



# भारत का राजपत्र

## The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

साप्ताहिक

WEEKLY

सं. 15]

नई दिल्ली, अप्रैल 5—अप्रैल 11, 2015, शनिवार/चैत्र 15—चैत्र 21, 1937

No. 15]

NEW DELHI, APRIL 5—APRIL 11, 2015, SATURDAY/CHAITRA 15—CHAITRA 21, 1937

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके।

Separate Paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उप-खण्ड ( ii )

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India

(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पैंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 27 मार्च, 2015

का.आ. 665.—केंद्रीय सरकार एतदद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए दिल्ली विशेष पुलिस स्थापना (केंद्रीय अन्वेषण ब्यूरो) द्वारा संस्थापित आरसी 03(ए)/2004/एसीयू-9, नई दिल्ली (हरियाणा का जेबीटी भर्ती घोटाला) तथा इससे सम्बद्ध एवं उसी संव्यवहार के अन्य मामलों से उद्भूत अपीलों/पुनरीक्षणों में दिल्ली स्थित दिल्ली उच्च न्यायालय, में उपस्थित होने के लिए श्री राकेश कुमार खन्ना, अधिवक्ता को विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[फा. सं. 225/10/2014-एवीडी-II]

सुशील कुमार, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 27th March, 2015

S.O. 665.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri Rakesh Kumar Khanna, Advocate as Special Public Prosecutor for appearing on behalf of Central Bureau of Investigation in RC 03(A)/2004/ACU-IX, New Delhi (JBT Recruitment Scam of Haryana) instituted by the Delhi Special Police Establishment (C.B.I.) in the Delhi High Court at Delhi and appeals/revisions or other matters connected therewith and incidental thereto.

[F. No. 225/10/2014-AVD-II]

SUSHEEL KUMAR, Under Secy.

## वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 29 जनवरी, 2015

**का.आ. 666.**—भारतीय स्टेट बैंक (समनुपांगी बैंक) अधिनियम, 1959 की धारा 25 की उप-धारा (1) के खण्ड (ङ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, वित्तीय सेवाएं विभाग, वित्त मंत्रालय के निदेशक श्री अशोक कुमार सिंह को तत्काल प्रभाव से और अगले आदेशों तक, श्री जितेन्द्र कुमार मेहन के स्थान पर स्टेट बैंक ऑफ त्रावणकोर के निदेशक मण्डल में सरकारी नामिति निदेशक नामित करती है।

[फा. सं. 6/3/2012-बीओ-I]

मिहिर कुमार, निदेशक

## MINISTRY OF FINANCE

## (Department of Financial Services)

New Delhi, the 29th January, 2015

**S.O. 666.**—In exercise of the powers conferred by clause (3) of Sub-section (1) of Section 25 of The State Bank of India (Subsidiary Banks) Act, 1959, the Central Government, hereby nominates, Shri Ashok Kumar Singh, Director, Department of Financial Services, Ministry of Finance, as Government Nominee Director on the Board of Directors of State Bank of Travancore with immediate effect and until further orders *vice* Shri Jitender Kumar Mehan.

[F. No. 6/3/2012-BO-I]

MIHIR KUMAR, Director

नई दिल्ली, 23 फरवरी, 2015

**का.आ. 668.**—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3 के खंड (ग) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री राजेश अग्रवाल, संयुक्त सचिव, वित्तीय सेवाएं विभाग को तत्काल प्रभाव से और अगले आदेशों तक, श्री अनुराग जैन के स्थान पर पंजाब नेशनल बैंक के निदेशक मण्डल में सरकारी नामिति निदेशक नामित करती है:—

क्र.सं.	बैंक का नाम	वर्तमान निदेशक का नाम	प्रस्तावित व्यक्तियों का नाम
1.	केनरा बैंक	श्रीमती मीना हेमचन्द्र, सीजीएम	श्रीमती उमा शंकर, सीजीएम, मुद्रा प्रबंधन विभाग, भारतीय रिजर्व बैंक, अमर बिल्डिंग, चौथा तल, सर पी एम रोड, मुम्बई-400 001
2.	इंडियन बैंक	डॉ. सत्यन डेविड, मुख्य महाप्रबंधक	श्री बी. पी. विजेन्द्र, पीसीजीएम, भारतीय रिजर्व बैंक, निरीक्षण विभाग, केन्द्रीय कार्यालय, सी-7, 8वां तल, बांद्रा-कुलाल काम्प्लेक्स, बांद्रा (ईस्ट), मुम्बई-400 051
3.	यूको बैंक	श्री बी. पी. विजेन्द्र, पीसीजीएम	डॉ. अरविंद शर्मा, सीजीएम, भारतीय रिजर्व बैंक, सूचना प्रौद्योगिकी विभाग, केन्द्रीय कार्यालय, 14वां तल, शहीद भगत सिंह, मुम्बई-400 001
4.	सिंडिकेट बैंक	श्री राजेश्वर राव, सीजीएम	श्री रुद्र नारायण कर, क्षेत्रीय निदेशक, कोलकाता, भारतीय रिजर्व बैंक, 13-15, एन एस रोड, कोलकाता-700 001
5.	कार्पोरेशन बैंक	श्री अरूण पसरीचा, सीजीएम	श्री प्रद्युमन के. जेना, सीजीएम, भारतीय रिजर्व बैंक, केन्द्रीय लेखा अनुभाग, पीबी नं. 118, ईस्ट हाई कोर्ट रोड, नागपुर-440 001

[फा. सं. 6/3/2011-बीओ-I]

विजय मल्होत्रा, अवर सचिव

नई दिल्ली, 29 जनवरी, 2015

**का.आ. 667.**—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री राजेश अग्रवाल, संयुक्त सचिव, वित्तीय सेवाएं विभाग को तत्काल प्रभाव से और अगले आदेशों तक, श्री अनुराग जैन के स्थान पर पंजाब नेशनल बैंक के निदेशक मण्डल में सरकारी नामिति निदेशक नामित करती है।

[फा. सं. 6/3/2012-बीओ-I]

मिहिर कुमार, निदेशक

New Delhi, the 29th January, 2015

**S.O. 667.**—In exercise of the powers conferred by clause (b) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby nominates Shri Rajesh Aggarwal, Joint Secretary, Department of Financial Services, as Government Nominee Director on the Board of Directors of Punjab National Bank with immediate effect and until further orders *vice* Shri Anurag Jain.

[F. No. 6/3/2012-BO-I]

MIHIR KUMAR, Director

New Delhi, the 23rd February, 2015

**S.O. 668.**—In exercise of the powers conferred by clause (c) of the sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby nominates the persons specified in column (3) of the table below as Directors of nationalized banks specified in column (1) thereof in place of the persons specified in column (2) of said Table, with immediate effect and unit further orders:—

Sl. No.	Name of the Bank	Name of the Existing Director	Name of the persons Proposed
1.	Canara Bank	Smt. Meena Hemchandra, CGM	Smt. Uma Shankar, CGM, Department of Currency Management, Reserve Bank of India, Amar Building, 4th Floor, Sir P.M. Road, Mumbai-400 001.
2.	Indian Bank	Dr. Sathyan David, CGM	Shri B.P. Vijayendra, PCGM, Reserve Bank of India, Inspection Department, Central Office, C-7, 8th Floor, Bandra-Kurla Complex, Bandra (E) Mumbai-400 051.
3.	UCO Bank	Shri B.P. Vijayendra, PCGM	Dr. Arvind Sharma, CGM, Reserve Bank of India, Department of Information technology, Central Office, 14th Floor, Shahid Bhagat Singh, Mumbai-400 001.
4.	Syndicate Bank	Shri Rajeshwar Rao, CGM	Shri Rudra Harayan Kar, Regional Director, Kolkata, Reserve Bank of India, 13-15 N S Road, Kolkata-700 001.
5.	Corporation Bank	Shri Arun Pasricha, CGM	Shri Pradyumna K. Jena, CGM, Reserve Bank of India, Central Accounts Section, P.B. No. 118, East High Court Road, Nagpur-440 001.

[F. No. 6/3/2011-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 26 फरवरी, 2015

**का.आ. 669.**—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 की धारा 7 की उपधारा (2) के साथ पठित धारा 6 की उपधारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करके, एतद्वारा, भारतीय रिजर्व बैंक के केन्द्रीय बोर्ड से श्री दीपांकर गुप्ता को अधिसूचना की तारीख से तीन वर्षों की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, राष्ट्रीय कृषि और ग्रामीण विकास बैंक (नाबार्ड) के निदेशक मण्डल में निदेशक के रूप में पुनः नामित करती है।

[फा. सं. 7/3/2015-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 26th February, 2015

**S.O. 669.**—In exercise of the powers conferred by clause (c) of sub-section (1) of Section 6 read with sub-section (2) of section 7 of the National Bank for Agriculture and Rural Development Act, 1981, the Central Government, in consultation with the Reserve Bank of India, hereby re-nominates Shri Dipankar Gupta from the Central Board of Reserve Bank of India as Director on the Board of Directors of National Bank for Agriculture and Rural Development (NABARD) for a period of three years from

the date of notification or until further orders, whichever is earlier.

[F. No. 7/3/2015-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 27 फरवरी, 2015

**का.आ. 670.**—भारतीय लघु उद्योग विकास बैंक अधिनियम, 1989 (1989 का 39) की धारा 6 की उपधारा (2) के साथ पठित धारा 6 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, डॉ. छत्रपति शिवाजी, आईएएस (महाराष्ट्र: 86) (जन्म तिथि : 12.03.1961), प्रधान सचिव (व्यव), वित्त विभाग, महाराष्ट्र सरकार को प्रतिनियुक्ति के आधार पर तत्काल आमेलन के नियम से छूट देते हुए उनके पदभार ग्रहण करने की तारीख से तीन वर्ष अथवा अगले आदेश होने तक, जो भी पहले हो, भारतीय लघु उद्योग विकास बैंक (सिडबी) के अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करती है।

[फा. सं. 7/6/2013-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 27th February, 2015

**S.O. 670.**—In exercise of the powers conferred by clause (c) of sub-section (1) of Section (6) read with sub-section (2) of section 6 of the Small Industries Development Bank of India Act, 1989 (39 of 1989), the

Central Government hereby appoints Dr. Kshatrapati Shivaji, IAS (MH:86) [DoB: 12.03.1961], Principal Secretary (Expenditure), Finance Department, Government of Maharashtra, as Chairman and Managing Director, Small Industries Development Bank of India (SIDBI) on deputation basis, with exemption from the rule of immediate absorption, for a period of three years from the date of his taking over the charge of the post or until further orders, whichever is earlier.

[F. No. 7/6/2013-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 10 मार्च, 2015

**का.आ.** 671.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खंड 8 के उप-खंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, विजया बैंक के महाप्रबंधक श्री हरिदीश कुमार बी (जन्म तिथि: 20.05.1957) को 65,000-78,000 रुपए के वेतनमान में उनके द्वारा पदभार ग्रहण करने की तारीख से दिनांक 31.05.2017 तक, अर्थात् अधिवर्षिता की आयु प्राप्त करने तक अथवा अगले आदेशों तक, जो भी पहले हो, केनरा बैंक के कार्यपालक निदेशक के रूप में नियुक्त करती है।

[फा.सं. 4/5/2013-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 10th March, 2015

**S.O.** 671.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby appoints Shri Harideesh Kumar B. (DoB: 20.05.1957), General Manager, Vijaya Bank as Executive Director, Canara Bank in the scale of pay of Rs. 65,000-78,000 with effect from the date of his assumption of charge of the post and upto 31.05.2017 i.e. the date of his attaining the age of superannuation or until further orders, whichever is earlier.

[F. No. 4/5/2013-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 10 मार्च, 2015

**का.आ.** 672.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खंड 8 के उप-खंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, बैंक ऑफ इंडिया के महाप्रबंधक श्री चरण सिंह (जन्म तिथि: 01.07.1960) को 65,000-78,000 रुपए के वेतनमान में उनके द्वारा पदभार ग्रहण करने की तारीख से पांच वर्ष की अवधि के

लिए अथवा अगले आदेशों तक, जो भी पहले हो, यूको बैंक के कार्यपालक निदेशक के रूप में नियुक्त करती है।

[फा. सं. 4/5/2013-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 10th March, 2015

**S.O.** 672.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby appoints Shri Charan Singh (DoB: 01.07.1960), General Manager, Bank of India as Executive Director, UCO Bank in the scale of pay of Rs. 65,000-78,000 for a period of five years with effect from the date of his assumption of charge of the post or until his superannuation or until further orders, whichever is earlier.

[F. No. 4/5/2013-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 10 मार्च, 2015

**का.आ.** 673.—राष्ट्रीय बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खंड 8 के उप-खंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, बैंक ऑफ बड़ौदा के महाप्रबंधक श्री आर.पी. मराठे (जन्म तिथि: 17.11.1958) को 65,000-78,000 रुपए के वेतनमान में उनके द्वारा पदभार ग्रहण करने की तारीख से दिनांक 30.11.2018 तक, अर्थात् अधिवर्षिता की आयु प्राप्त करने तक अथवा अगले आदेशों तक, जो भी पहले हो, बैंक ऑफ इंडिया के कार्यपालक निदेशक के रूप में नियुक्त करती है।

[फा.सं. 4/5/2013-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 10th March, 2015

**S.O.** 673.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby appoints Shri R. P. Marathe (DoB: 17.11.1958), General Manager, Bank of Baroda as Executive Director, Bank of India in the scale of pay of Rs. 65,000-78,000 with effect from the date of his assumption of the charge of the post and upto 30.11.2018 i.e. the date of his attaining the age of superannuation, or until further orders, whichever is earlier.

[F. No. 4/5/2013-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 10 मार्च, 2015

**का.आ. 674.**—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खंड 8 के उप-खंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, बैंक ऑफ बड़ौदा के महाप्रबंधक श्री के. वेंकट रामा मूर्ति (जन्म तिथि: 12.01.1959) को 65,000-78,000 रुपए के वेतनमान में उनके द्वारा पदभार ग्रहण करने की तारीख से दिनांक 31.01.2019 तक, अर्थात् अधिवर्षिता की आयु प्राप्त करने तक अथवा अगले आदेशों तक, जो भी पहले हो, बैंक ऑफ बड़ौदा के कार्यपालक निदेशक के रूप में नियुक्त करती है।

[फा. सं. 4/5/2013-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 10th March, 2015

**S.O. 674.**—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby appoints Shri K. Venkata Rama Moorthy (DoB: 12.01.1959), General Manager, Bank of Baroda as Executive Director, Bank of Baroda in the scale of pay of Rs. 65,000-78,000 with effect from the date of his assumption of the change of the post and upto 31.01.2019 i.e. the date of his attaining the age of superannuation, or until further orders, whichever is earlier.

[F. No. 4/5/2013-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 10 मार्च, 2015

**का.आ. 675.**—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खंड 8 के उप-खंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, केनरा के महाप्रबंधक श्री एन. के. साहू (जन्म तिथि: 24.02.1959) को 65,000-78,000 रुपए के वेतनमान में उनके द्वारा पदभार ग्रहण करने की तारीख से दिनांक 28.02.2019 तक, अर्थात् अधिवर्षिता की आयु प्राप्त करने तक अथवा अगले आदेशों तक, जो भी पहले हो, इंडियन ओवरसीज बैंक के कार्यपालक निदेशक के रूप में नियुक्त करती है।

[फा. सं. 4/5/2013-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 10th March, 2015

**S.O. 675.**—In exercise of the powers conferred by clause (a) of sub-Section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby appoints Shri N.K. Sahoo (DoB: 24.02.1959), General Manager, Canara Bank of India as Executive Director, Allahabad Bank in the scale of pay of Rs. 65,000-78,000 with effect from the date of his assumption of charge of the post and upto 28.02.2019 i.e. till the date of his attaining the age of superannuation or until further orders, whichever is earlier.

[F. No. 4/5/2013-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 10 मार्च, 2015

**का.आ. 676.**—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खंड 8 के उप-खंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, बैंक ऑफ इंडिया के महाप्रबंधक श्री पवन कुमार बजाज (जन्म तिथि: 21.09.1958) को 65,000-78,000 रुपए के वेतनमान में उनके द्वारा पदभार ग्रहण करने की तारीख से दिनांक 30.09.2018 तक, अर्थात् अधिवर्षिता का आयु प्राप्त करने तक अथवा अगले आदेशों तक, जो भी पहले हो, इंडियन ओवरसीज बैंक के कार्यपालक निदेशक के रूप में नियुक्त करती है।

[फा. सं. 4/5/2013-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 10th March, 2015

**S.O. 676.**—In exercise of the powers conferred by clause (a) of Sub-Section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby appoints Shri Pawan Kumar Bajaj (DoB: 21.09.1958), General Manager, Bank of India as Executive Director, Indian Overseas Bank in the scale of pay of Rs. 65,000-78,000 with effect from the date of his assumption of charge of the post and upto 30.09.2018 i.e. the date of his attaining the age of superannuation or until further orders, whichever is earlier.

[F. No. 4/5/2013-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 10 मार्च, 2015

**का.आ. 677.**—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खंड 8 के उप-खंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, यूनियन बैंक इंडिया के महाप्रबंधक श्री रवि शंकर पांडे (जन्म तिथि: 06.10.1957) को 65,000-78,000 रुपए के वेतनमान में उनके द्वारा पदभार ग्रहण करने की तारीख से दिनांक 31.10.2017 तक, अर्थात् अधिवर्षिता का आयु प्राप्त करने तक अथवा अगले आदेशों तक, जो भी पहले हो, सिंडिकेट बैंक के कार्यपालक निदेशक के रूप में नियुक्त करती है।

[फा. सं. 4/5/2013-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 10th March, 2015

**S.O. 677.**—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby appoints Shri Ravi Shankar Pandey (DoB: 06.10.1957), General Manager, Union Bank of India as Executive Director, Syndicate Bank in the scale of pay of Rs. 65,000-78,000 with effect from the date of his assumption of charge of the post and upto 31.10.2017 i.e. the date of his attaining the age of superannuation or until further orders, whichever is earlier.

[F. No. 4/5/2013-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 10 मार्च, 2015

**का.आ. 678.**—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खंड 8 के उप-खंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, बैंक ऑफ बड़ौदा के महाप्रबंधक श्री किशोर पिराजी खरात (जन्म तिथि: 04.09.1958) को 65,000-78,000 रुपए के वेतनमान में उनके द्वारा पदभार ग्रहण करने की तारीख से दिनांक 30.09.2018 तक, अर्थात् अधिवर्षिता की आयु प्राप्त करने तक अथवा अगले आदेशों तक, जो भी पहले हो, यूनियन बैंक ऑफ इंडिया के कार्यपालक निदेशक के रूप में नियुक्त करती है।

[फा. सं. 4/5/2013-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 10th March, 2015

**S.O. 678.**—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby appoints Shri Kishore Piraji Kharat (DoB: 04.09.1958), General Manager, Bank of Baroda as Executive Director, Union Bank of India in the scale of pay of Rs. 65,000-78,000 with effect from the date of his assumption of charge of the post and upto 30.09.2018 i.e. the date of his attaining the age of superannuation or until further orders, whichever is earlier.

[F. No. 4/5/2013-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 10 मार्च, 2015

**का.आ. 679.**—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खंड 8 के उप-खंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, यूनियन बैंक इंडिया के महाप्रबंधक श्री आर.सी. लोडा (जन्म तिथि: 14.02.1957) को 65,000-78,000 रुपए के वेतनमान में उनके द्वारा पदभार ग्रहण करने की तारीख से दिनांक 28.02.2017 तक, अर्थात् अधिवर्षिता का आयु प्राप्त करने तक अथवा अगले आदेशों तक, जो भी पहले हो, सेंट्रल बैंक ऑफ इंडिया के कार्यपालक निदेशक के रूप में नियुक्त करती है।

[फा. सं. 4/5/2013-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 10th March, 2015

**S.O. 679.**—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby appoints Shri R.C. Lodha (DoB: 14.02.1957), General Manager, Union Bank of India as Executive Director, Central Bank of India in the scale of pay of Rs. 65,000-78,000 with effect from the date of his assumption of charge of the post and upto 28.02.2017 i.e. the date of his attaining the age of superannuation or until further orders, whichever is earlier.

[F. No. 4/5/2013-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 13 मार्च, 2015

**का.आ. 680.**—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खंड 8 के उप-खंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, यूनियन बैंक ऑफ इंडिया के महाप्रबंधक श्री अजीत कुमार रथ (जन्म तिथि: 25.07.1967) को 65,000-78,000 रुपए के वेतनमान में उनके द्वारा पदभार ग्रहण करने की तारीख से पांच वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, आन्ध्रा बैंक के कार्यपालक निदेशक के रूप में नियुक्त करती है।

[फा. सं. 4/5/2013-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 13th March, 2015

**S.O. 680.**—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby appoints Shri Ajit Kumar Rath (DoB: 25.07.1967), General Manager, Union Bank of India as Executive Director, Andhra Bank in the scale of pay of Rs. 65,000-78,000 for a period of five years with effect from the date of his assumption of charge of the post, or until further orders, whichever is earlier.

[F.No. 4/5/2013-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 13 मार्च, 2015

**का.आ. 681.**—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 (1981 का 61) की धारा 6 की उप-धारा (1) के खण्ड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, निम्नलिखित व्यक्ति को इस अधिसूचना के जारी होने की तारीख से 26.07.2016 तक की अवधि के लिए राष्ट्रीय कृषि और ग्रामीण विकास बैंक (नाबांड) के निदेशक मण्डल में निदेशक नियुक्त करती है:—

(i) अपर मुख्य सचिव एवं विकास आयुक्त (एसीएस एंड डीसी) कृषि, पशुपालन, ग्रामीण विकास एवं सहकारिता विभाग, कर्नाटक सरकार, बैंगलुरु।

[फा. सं. 7/4/2015-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 13th March, 2015

**S.O. 681.**—In exercise of the powers conferred by clause (e) of sub-section (1) of Section 6 of the National

Bank for Agriculture and Rural Development Act, 1981 (61 of 1981), the Central Government hereby appoints the following person to be Director on the Board of Directors of National Bank for Agriculture and Rural Development (NABARD) for a period upto 26.07.2016, with effect from the date of issue of this notification:—

(i) Additional Chief Secretary and Development Commissioner (ACS and DC) Agriculture, Animal Husbandry, Rural Development and Co-operation Departments, Government of Karnataka, Bengaluru.

[F.No. 7/4/2015-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 27 मार्च, 2015

**का.आ. 682.**—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खंड 8 के उप-खंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री टी. एम. भसीन (जन्म तिथि: 23.05.1956), अध्यक्ष एवं प्रबंध निदेशक, इंडियन बैंक के कार्यकाल को पांच वर्ष की उनकी अनुमोदित कार्यविधि, जो दिनांक 31.03.2015 को समाप्त होने वाली है, की इंडियन बैंक के प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी के रूप में उनके कार्यकाल को दिनांक 31.05.2016 तक अर्थात् अधिवर्धिता की आयु प्राप्त करने तक अथवा अगले आदेशों तक, जो भी पहले हो, बढ़ाती है।

[फा. सं. 4/4/2013-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 27th March, 2015

**S.O. 682.**—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby extends the tenure of Shri T.M. Bhasin, Chairman and Managing Director (DoB 23.05.1956), Indian Bank beyond his approved term of 5 years which is coming to an end on 31.03.2015, as MD and CEO, Indian Bank upto 31.05.2016 i.e. the date of his attaining the age of superannuation, or until further order, whichever is earlier.

[F.No. 4/4/2013-BO-I]

VIJAY MALHOTRA, Under Secy.

श्रम एवं रोजगार मंत्रालय

शुद्धि-पत्र

नई दिल्ली, 30 मार्च, 2015

**का.आ. 683.**—पारित पंचाट दिनांक 21/07/2014 आधिकारिक राजपत्र में अधिसूचना दिनांक 08/09/2014 के अन्तर्गत प्रकाशित हुआ था।

2. उक्त अधिसूचना में पंचाट के अंतिम पृष्ठ में पैरा 8 के तीसरी पंक्ति से सातवीं पंक्ति को निम्नोक्त रूप में पढ़ा जा सकता है।

"I hold that the action of the management of Food Corporation of India in terminating the service of Shri Bhopal Tiwari instead of regularizing the service is not legal and justified. Hence it is ordered to take the workman into service at once against regular post without giving him any back wages."

[सं. एल-22012/384/2004-आईआर (सी-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

**MINISTRY OF LABOUR AND EMPLOYMENT**  
**CORRIGENDUM**

New Delhi, the 30th March, 2015

**S.O. 683.**—The award passed on 21.07.2014 was published in the official gazette vide notification No. 22012/384/2004-IR(C-II) dated 08.09.2014.

2. In the aforesaid notification under the last page of the Award in para 8 of 3rd line to 7th line may be read as follows:

"I hold that the action of the management of Food Corporation of India in terminating the service of Shri Bhopal Tiwari instead of regularizing the service is not legal and justified. Hence it is ordered to take the workman into service at once against regular post without giving him any back wages."

[No. L-22012/384/2004-IR(C-II)]

Md. ZAHID SHARIF, Section Officer

नई दिल्ली, 30 मार्च, 2015

**का.आ. 684.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इनोरी कोक लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बेगलोर के पंचाट (संदर्भ संख्या 36/2013) प्रकाशित करती है, जो केन्द्रीय सरकार को 30/3/2015 को प्राप्त हुआ था।

[सं. एल-22013/1/2015-आईआर (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2015

**S.O. 684.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Bangalore (ID/20/2013) as shown in the Annexure in the Industrial Dispute between

the employers in relation to the management of Ennore Coke Limited and their workmen, which was received by the Central Government on 30.3.2015.

[No. L-22013/1/2015-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

**ANNEXURE**

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE**

22nd JANUARY 2015

**PRESENT:** Sh. S.N. Navalgund, Presiding Officer

**ID No. 20/2013**

**Applicant:**

Sh. Tarachand ,  
S/o Hirachand Kholapure,  
H. No. 20, Hosur, Basavanagalli,  
BECGAUM.

**Respondent:**

1. The President and CEO, Whole Time Director, CEO, Ennore Coke. Ltd., No. 85A, S B Road, Flat No. 38, 3rd Floor, KOLKATTA.
2. The Chief Operating Officer, Ennore Coke Limited No. 25, 3rd Floor, Flowers Road, Kilpauk, CHENNAI.

**Appearances**

I Party : Miss Kalpana T M, Advocate

II Party : None

**AWARD**

1. The Applicant alleging that he was appointed as Sales Assistant in the Respondent Company and is alleged to have been terminated w.e.f. 12.02.2011 without any enquiry, invoking the provisions of Section 2A(2) of the ID Act, 1947 initiated this dispute to set aside the termination order with direction to reinstate him into service with full back wages and all other consequential benefits. On the registration of the dispute when notices were issued to Respondent No. 1 and 2 since both did not enter their appearance inspite of due service of the notices the applicant was called upon to adduce evidence to substantiate his claim.

2. The learned advocate appearing for the applicant who on 23.07.2014 made a submission that she has learnt the party has settled amicably later inspite of grant of two adjournments did not turn up but in the meanwhile Sh. Ramesh Srinivasa, General manager—Hr and Administration of Ennore Coke Limited sent a letter the matter being settled accompanied with self attested copy of Memorandum of Settlement dated 15.11.2013; copy of

receipt signed by the workman and copy of the notice issued by this Tribunal dated 24.11.2014. Under the circumstances, in view of the submission that was made by the learned advocate appearing for the applicant on 23.07.2014 and the receipt of the letter reporting compromise accompanied by the copies of Memorandum of Settlement, Receipt given by the applicant acknowledging receipt of Rs. 60000 towards full and final settlement of the claim it appears the Applicant who has received Rs. 60000 towards full and final settlement of his claim has abandoned this proceedings/dispute. In the result, I pass the following

### ORDER

The Application is Dismissed as Settled out of Court by the Applicant by receiving Rs. 60000 from Respondent towards full and final settlement of his claim giving up his claim of reinstatement.

S. N. NAVALGUND, Presiding Officer

नई दिल्ली, 30 मार्च, 2015

**का.आ. 685.**—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एफ.सी.आई. के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 26/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/3/2015 को प्राप्त हुआ था।

[सं. एल-22012/220/2006-आईआर (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2015

**S.O. 685**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Ref.26/2007 of the Cent. Govt. Indus. Tribunal-cum.labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 30.3.2015.

[No. L-22012/220/2006-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL— CUM-LABOUR COURT, LUCKNOW

Present : RAKESH KUMAR, Presiding Officer

**I.D. No. 26/2007**

Ref. No. L-22012/220/2006-IR(CM-II) dated 03.07.2007

### BETWEEN

The State Secretary  
Bhartiya Khadya Nigam Karmchari Sangh  
DC/3V, Vibhuti Khand  
Gomti Nagar, Lucknow.  
(Espousing cause of Shri Ajay Kumar and 5 others)

### AND

1. The Sr. Regional Manager  
Food Corporation of India  
DC/3V, Vibhuti Khand  
Gomti Nagar  
Lucknow.
2. The District Manager  
Food Corporation of India  
Hussanganj  
Sitapur (U.P.)

### AWARD

1. By order No. L-22012/220/2006-IR(CM-II) dated 03.07.2007 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between the State Secretary, Bhartiya Khadya Nigam Karmchari Sangh, DC/3V, Vibhuti Khand, Gomti Nagar, Lucknow and the Sr. Regional Manager, Food Corporation of India, DC/3V, Vibhuti Khand, Gomti Nagar, Lucknow and the District Manager, Food Corporation of India, Hussanganj, Sitapur (U.P.) for adjudication to this CGIT-cum-Labour Court, Lucknow.

2. The reference under adjudication is:

"WHETHER THE ACTION OF THE MANAGEMENT OF FOOD CORPORATION OF INDIA IN NOT GIVING REGULAR APPOINTMENT TO SIX WORKMEN, VIZ., S/SHRI AJAY KUMAR, RAMESH CHANDRA, SHUSHIL KUMAR, BAIJ NATH, ABDUL KHALIQUE AND MAHA DEO FROM 6.5.1986 IS LEGAL AND JUSTIFIED? IF NOT, TO WHAT RELIEF ARE THE WORKMEN ENTITLED?"

3. The case of the workmen's union, in brief, is that he workmen *viz.* S/Shri Ajay Kumar, Ramesh Chandra, Sushil Kumar, Baij Nath, Abdul Khalique and Maha Deo have been casual/daily rated labours and worked with the opposite party at Sitapur for more than 90 days since their engagement as on 02.05.1986. It is submitted by the workmen's union that the opposite parties issued a Circular No. EP.1(4)/85-Vol.-11 dated 06.05.1987 regarding

regularization of those workmen who worked for more than 90 days as on 02.05.1986; accordingly, the workmen are entitled for regular appointment w.e.f. 02.05.1986 for the reasons having worked with the opposite party for more than 90 days as on 02.05.1986. It is stated that the workman applied for the benefits of the said circular but all in vain. It has been alleged that the District Office did not send the details of the workmen as the matter was again taken up at FCI, Head Quarter, New Delhi and placed before Board; and accordingly a circular for immediate action was issued on 09.01.1996 by the Executive Director (P), FCI, New Delhi. Further, it is submitted that the FCI, Head Quarter, New Delhi and Zonal Office, New Delhi required the opposite party No. 1 to implement the circular dated 06.05.1987 vide their letters dated 24.08.1992 and 01.09.1992. The workmen's union has alleged that the management did not take up their case which led to the non-regularization of the workmen; and accordingly, it has been prayed by the workmen's union that the workmen be appointed with the opposite party since 06.05.1987 with consequential benefits.

4. The management of the FCI has denied the claim of the workmen's union by filing its written statement; wherein it has been submitted by the management that the workmen had only performed intermittent nature of work and after verifying their records it was found that none of them has completed 90 days continuous working as such the circular dated 25.5.86 was not applicable on the workmen. It has been pleaded that the Circular No. EP.1(4)/85-Vol.-11 dated 06.05.1987 was not applicable to their case; in as much as none of them was working with the FCI when the circular dated 06.05.1987 came into existence. It is stated that to scrutinize the claims, a committee of three Dy. Managers was formed but it could not give any result due to transfer of members. The management has also pleaded that the claim of the workmen is time barred as well as the workmen's union cannot raise the claim before this Tribunal as the same was meant for class III and IV employees. Accordingly, the management has prayed that the claim of the workmen's union be rejected being devoid of any merit, without any relief to the workmen concerned.

5. The workman's union has filed its rejoinder wherein apart from reiterating the averments already made in the statement of claim, it has submitted that there is no limitation has been provided under Industrial Disputes Act, 1947 and also that the matter was in active consideration of the opposite parties which is evident from their letter dated 08.7.2003. It has also submitted that the applicants/workmen are member of the union therefore; the union is eligible to espouse their cause.

6. The workman's union has filed photocopy of documentary evidence in support of their claim *vide* list dated 15.09.2007, detailed as under:

- (i) Letter dated 6.5.1987.
- (ii) Circular No. 38/1996 dated 9.9.96.
- (iii) Letter dated 24.8.92.

- (iv) Telegram/telex dated 1.9.92.
- (v) Application of Ajay Kumar.
- (vi) Application of Ramesh Chandra
- (vii) Application of Sushil Kr. Rastogi.
- (viii) Application of Abdul Khalik.
- (ix) Application of Baij Nath.
- (x) Letter dt. 30.12.94 of AM (D) Sitapur.
- (xi) Statement of AM (D), Sitapur regarding daily wages.
- (xii) Letter dt. 15.11.94 of AM (IR) Sitapur.
- (xiii) Letter dt. 11.4.97 of FCI class IV Employees Union to SRM, FCI, Lucknow.
- (xiv) Letter dated 18.3.98 of DM (IR) RO, Lucknow to DM, FCI, Sitapur.
- (xv) Letter dt. 13.10.94 of DM, FCI, Sitapur to JM (IR), Lucknow.
- (xvi) Order dt. 7.7.2001.
- (xvii) Letter dt. 7.8.2003.
- (xviii) Letter dated 8.7.03/16.07.03 of RO, Lucknow to DM, Sitapur.

The management of the railways has not filed any documentary evidence in support of its claim.

7. The workmen's union has examined one of the workmen *viz.* Baij Nath; whereas the management has examined Shri R.K. Singh, Area Manager in support of respective stands. The parties have availed opportunity to cross-examine the witnesses of each other apart from forwarding oral arguments.

8. I have given my thoughtful consideration to the rival contentions of the authorized representatives of the parties and perused the entire evidence available on record in light thereto.

9. The authorized representative of the workman has argued that the Circular No. EP. 1(4)/85-Vol.-11 dated 06.05.1987 was regarding regularization of Casual/Daily rated employee in the FCI who have completed three month's period of services as on 02.05.1986, therefore, the workmen were eligible for regularization since 06.05.1987 as they had worked for more than 90 days with the opposite parties as on 02.05.1986.

10. In rebuttal, the authorized representative of the management has contended that the Circular No. EP. 1(4)/85-Vol.-11 dated 06.05.1987 is not applicable to the workmen as they are not covered with it since they were not in service when the said circular was issued therefore, the workmen are not entitled for its benefits; and accordingly they have no legal right to claim benefit of the said circular. It has stressed that since the workmen have not completed

90 days' continuous working as such circular dated 25.5.86 was not applicable on these cases. It has also urged that the matter is belated one and the union is not competent to raise the present industrial dispute. It has relied on *Secretary, State of Karnataka and others vs. Uma Devi (3) and others (2006) SCC 1.*

11. On merits of the case, the workmen's union has come up with a case that since the workmen have worked for more than 90 days as on 02.05.1986, as required in the Circular No. EP. 1((4)/85-Vol.-11 dated 06.05.1987, therefore, they were entitled for regularization from the date of issuance of the said circular dated 06.05.1987.

12. Per contra, the management's sole contention is that workmen have not completed 90 days' continuous working as such circular dated 25.5.86 was not applicable on these cases. Regarding Circular No. EP.1(4)/85-Vol.-11 dated 06.05.1987 the management has denied the benefit of regularization for not being in service when the said circular dated 06.05.1987 was issued.

13. The workman in his cross-examination has stated that he worked with FCI on each day, except holidays. He also stated that the workers after 1985, the workmen junior to him got regularized.

On the other hand, the management witness Shri R.K. Singh, Area Manager, in his cross-examination, verified the Circular No. EP.1(4)/85-Vol.-11 dated 06.05.1987, paper No. A-1/8 and 8/2. He also verified the working details of the workmen, page No. 8/15 and 8/16.

14. After having a close look on the pleading of the rival parties, documentary evidence relied upon and oral evidences, the main issue is to be adjudicated upon as to whether the workmen fall within the purview of the Circular No. EP. 1(4)/85-Vol.-11 dated 06.05.1987 or not.

15. Admittedly, the workmen have been engaged as casual daily rated labourers and the management formulated a scheme for regularization of such casual/daily rated employees vide Circular No. EP.1(4)/85-Vol.-11 dated 06.05.1987. The management denied the benefit of said circular to the workmen for reasons that they were not in the service of FCI on the date of issuance of said circular. The management has also pleaded that the workmen are not entitled for benefit circular dated 25.5.86 for not having worked for 90 days continuously; but has not come with the copy or content of said circular dated 25.5.86; whereas the claim of the workmen's union, which has been referred to this Tribunal, lies on the Circular No. EP.1(4)/85-Vol.-11 dated 06.05.1987, therefore, it would be prudent to analyze the contents of the circular dated 06.05.1987 and examine as to whether the workmen were eligible for regularization as per terms of the circular dated 06.05.1987. The relevant portion of the circular, providing eligibility criteria is quoted hereunder:

"4. In view of the above decision of the Board of Directors, it has been decided to relax the ban on recruitment for filling in entry level category III and IV posts by considering full time casual daily rated employees who have been performing duties of regular employees of the Corporation under FCI (Staff) Regulations, 1971 and who have completed three months period of service as on 2.5.1986 and posses the requisite qualification etc. The casual employees who do not fulfill the conditions of appointment for any entry level category. III and IV posts shall be retrenched by paying retrenchment compensation as required under the provisions of I.D. Act, 1947. The age limit may, however, be relaxed by the competent authority as specified in Appendix-II of the FCI (Staff) Regulations to the extent of service rendered by such casual employees in the Corporation on daily rated/casual basis. This decision shall not apply for part-time casual employees and causal labour/workers and they shall not be regularized."

A bare perusal of the circular No. EP. 1(4)/85-Vol.-11 dated 06.05.1987 makes it crystal clear that the management of FCI launched a scheme for regularization and those casual workmen who had completed three months services as on 2.5.1986 and possessed requisite qualification where within the ambit of above circular dated 06.05.1987. It is apparent on the face of the circular No. EP. 1(4)/85-Vol.-11 dated 06.05.1987 that there was no such condition that the workman ought to have been in service on 02.05.1986 or he have been working for more than three months continuously, as contended by the management in its pleadings as well in its evidence.

The management witness, Shri R. K. Singh, in his cross examination, has verified the paper No. 8/15 and 8/16 which details of working of the workmen under dispute, the relevant extract of the same is as under:

S. No.	Name of the workmen	Working period	No. of days worked
1.	Shri Sushil Kumar	4.6.84 to 30.11.84 17.5.85 to 17.6.85	145 days 32 days
2.	Shri Ajay Kumar	7.5.84 to 15.12.84	164 days
3.	Shri Abdul Khalil	27.4.84 to 15.12.84	183 days
4.	Shri Ramesh Chand	29.5.84 to 15.12.84 20.5.85 to 17.8.85	148 days 68 days
5.	Shri Maha Deo	7/84 to 8/84 10/84 to 12/84 4/85 to 8/85	Number of days not mentioned -do- -do-
6.	Shri Baij Nath	1.-.84 to 15.-.84 28.4.82 to 5.10.82 1.4.85 to 1.8.85	181 days Number of days not mentioned -do-

Further, the table provided in para 8 of the affidavit of the management witness provides details of working of the workmen with the management for the period 5/84 to 12/84 only and during this period each workman has been shown to have worked for more than 90 days. Although the management witness has stated that since none of the workman has completed the 90 days working continuously, therefore, they were not fit for appointment as such there claim was rejected; but as discussed above, there was no such requirement in the circular No. EP. 1(4)/85-Vol.-11 dated 06.05.1987.

16. The management has argued vehemently that the claim of the workmen's union suffers with the vice of delay. The workmen's union has tried to explain the delay with submission that it was the management who did not constituted the committee to consider the claims, which led to delay on the part of workman. It has been submitted in the para 13 of the written statement that a committee of three Dy. Managers was formed but due to the transfer of committee members, it could not reach to result. However, presently the management is blaming the workmen for delay.

Hon'ble Allahabad High Court in The Chief General Manager, State Bank of India, Chief Office, Lucknow vs. B. C. Verma and another 1994 LLR 29; wherein the question for consideration before Hon'ble High Court was whether inaction or delay in raising industrial dispute by the workman can be condoned; Hon'ble High Court observed as under:

"In the present case, Section 10(1) may be read along with Section 10(5). Both the sub-sections read together lead to conclusion that 'at any time' the Reference can be made in the exercise of the administrative power by the Central Government provided there exists an industrial dispute or the same is apprehended. The use of expression 'at any time' in both the sub-sections clearly indicates that legislature never intended any limitation to be imposed for making reference."

In the present case, the management has contended that there is delay of 21 years as the matter pertains to the year 1986; but from the documentary evidence available on record it is apparent that the matter had been under consideration with the management. Paper No. 8/23, which is order dated 7.7.2001, whereby a committee had been constituted to consider the claim of daily wagers and as per version of the management, the said committee could not arrive at any conclusion due to transfer of its members. Another communication, paper No. 8/24, which is letter dated 07.08.2003 of Assistant Manager (Admn), FCI, Sitapur, goes to show that the matter was under with the management on that date too. Therefore, it could be well calculated that there was a delay of only four years in raising/referring the present industrial dispute. Moreover,

it is also noteworthy that the workmen's union certainly has raised the dispute before Assistant/Regional Labour Commissioner (Central) prior to reference of present dispute to this Tribunal by the appropriate Government. Hon'ble Apex Court in *Ajaib Singh Vs. Sirhind Co-operative Marketing-cum-Processing Services Society Ltd. and another 1999 LAB IC 1435* where there was admitted delay of seven years has held that the Court can mould relief by refusing back wages or directing payment of part of back wages.

17. Thus, from the facts and circumstances of the case and the case laws cited hereinabove, I am of considered opinion that the action of the management of Food Corporation of India in not giving regular appointment to workmen w.e.f. 06.05.1986 is illegal and unjustified. Accordingly, I come to the conclusion that all the six workmen viz. S/Shri Ajay Kumar, Ramesh Chandra, Sushil Kumar, Baij Nath, Abdul Khalique and Maha Deo are entitled for reinstatement/regularization w.e.f. 06.05.1986 with consequential benefits however, they would be liable for payment of only 50% of back wages, in view of delay in raising the present industrial dispute.

18. The reference under adjudication is answered accordingly.

19. Award as above.

Lucknow, 2nd January, 2015

RAKESH KUMAR, Presiding Officer

नई दिल्ली, 30 मार्च, 2015

**का.आ. 686.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डब्ल्यूसीएल के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 7/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/03/2015 को प्राप्त हुआ था।

[सं. एल-22012/339/2007-आई आर (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2015

**S.O. 686.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award Ref. 7/2008 of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Western Coalfields Limited, and their workmen, received by the Central Government on 30/03/2015.

[No. L-22012/339/2007-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

## ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**

**No. CGIT/LC/R/7/2008**

Presiding Officer : Shri R. B. PATLE

Shri Santram S/o Bihari,  
Ex. T.R. Damuna Mines,  
R/o Nandana, PO Nandan,  
Chhindwara, ...Workman

*Versus*

The Chief General Manager,  
Western Coalfields Limited,  
Kanhan Area, PO Dungaria,  
Chhindwara ...Management

**AWARD**

Passed on this 25th day of November, 2014

1. As per letter dated 3-1-2008 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22012/339/2007-IR (CM-II). The dispute under reference relates to:

"Whether the action of the management of M/s WCL in dismissing Shri Sant Ram S/o Shri Bihari from service *w.e.f.* 9-4-2003 is legal and justified? If not, to what relief is the workman entitled?"

2. Receiving reference, notices were issued to the parties. Ist party workman failed to appear and participate in reference proceeding despite of repeated notices. Ist party workman was proceeded ex-parte as per order dated 3-7-2012.

3. Ist party workman submitted application for restoration of reference. Said application was allowed as per order dated 7-6-2013. Inspite of workman was given opportunity to file statement of claim on 12-9-2013, 19-12-2013, 3-4-2014. Ist party workman failed to submit statement of claim. Again Ist party was proceeded ex-parte without statement of claim.

4. The proceeding was fixed for exparte Written Statement of management on 16-7-2014, 19-7-2014. IInd party also failed to submit exparte Written Statement of management on 16-7-2014, 19-7-2014. IInd party also failed to submit exparte Written Statement. It is clear from above that both parties did not participate in reference proceeding therefore award is passed as under. Parties failed to participate in reference proceeding. The dispute under reference could not be adjudicated.

R. B. PATLE, Presiding Officer

नई दिल्ली, 30 मार्च, 2015

**का.आ. 687.**—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एसईसीएल के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 15/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/03/2015 को प्राप्त हुआ था।

[सं. एल-22012/78/2008-आई आर (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2015

**S.O. 687.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 15/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Sohagpur Area of SECL and their workmen, received by the Central Government on 30/03/2015.

[No. L-22012/78/2008-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**

**No. CGIT/LC/R/15/2010**

Secretary,  
SKMS (AITUC)  
P.O. Sanjay Kaoyla Nagar,  
Distt. Annuppur,  
Shahdol, (MP)

....Workman/Union

**Versus**

CGM  
Sohagpur Area of SECL,  
P.O. Dhanpuri, Distt. Shahdol  
Shahdol (MP)

...Management

**AWARD**

Passed on this 24th day of November, 2014

1. As per letter dated 29-1-2010 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22012/78/2008-IR (CM-II). The dispute under reference relates to:

"Whether the action of the management of M/s. SECL in allegedly retiring Shri Raghuvan S/o Shri Manaran prematurely is legal and justified? To what relief the claimant entitled for"?

2. After receiving reference, notices were issued to the parties. Workman did not submit statement of claim. As per order dated 5-9-12, Ist party was proceeded exparte.

3. IIInd party submitted ex parte Written Statement. IIInd party submits that workman had raised dispute about his date of birth. As per workman, his date of birth was 15-6-55 as his age was recorded 34 years on 1-4-81 in Form B Register. Workman was initially appointed on 31-3-76. He worked at Different collieries Amlai Mine, Vivek Nagar etc. That under provisions of Mines Act, statutory registers are required to be maintained in mine under Rule 77 Register of Employment known as Form B register is required to be maintained. It is reiterated that in Form B register, age of workman was recorded as 1-4-47. It also bears his thumb impression in acceptance of correctness of details. On its basis, date of birth of workman was recorded 1-4-47. In claim of workman, date of birth was 15-6-55 is denied.

4. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

(i) Whether the action of the management of M/s. SECL in allegedly retiring Shri Raghuvan S/o Shri Manaran prematurely is legal and justified?"	In Affirmative
(ii) If not, what relief the workman is entitled to?	Workman is not entitled to relief claimed by him.

#### REASONS

5. Though present reference relates to legality of premature retirement of workman and his correct date of birth, as workman has not participated in reference proceeding, he failed to submit statement of claim. Management submits that as per Form B Register, date of birth of workman was recorded 1-4-47. The affidavit of evidence of management's witness Manish Bhandari supports contentions in Written Statement filed by IIInd party. The evidence of management's witness remained unchallenged. The documents are produced by IIInd party. Copy of the rules for determination/verification of its employees Annexure M-1, M-2, copy of Service Book annexure M-3. Date of birth of workman is recorded 1-4-81 in Service Book and Form B Register Annexure M-4. Unchallenged evidence of management's witness and documents on record, I find no reason to discard the evidence produced by management. Considering the same, I record my finding on point No. 1 in Affirmative.

6. In the result, award is passed as under:—

- (1) The action of the management of M/s. SECL in allegedly retiring Shri Raghuvan S/o Shri Manaran prematurely is legal and proper.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 30 मार्च, 2015

**का.आ. 688.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डब्ल्यूसीएल के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 15/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/03/2015 को प्राप्त हुआ था।

[सं. एल-22012/337/1994-आई आर (सी-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2015

**S.O. 688.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 15/95) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the management of Western Coalfield Limited, and their workmen, received by the Central Government on 30/03/2015.

[No. L-22012/337/1994-IR(C-II)]

Md. ZAHID SHARIF, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

**No. CGIT/LC/R/15/95**

Presiding Officer : SHRI R.B. PATLE

General Secretary,  
Koyla Khand an Mazdoor Panchayat,  
Post Junnardeo,  
Distt. Chhindwara

...Workman/Union

*Versus*

Manager,  
Eklahra Colliery,  
Western Coalfields Ltd.,  
Post Eklehra,  
Distt. Chhindwara

...Management

#### AWARD

Passed on this 10th day of October, 2014

1. As per letter dated 5-1-95 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22012/337/94-IR (C-II). The dispute under reference relates to:

"Whether the action of the management of Eklehra Colliery of Western Coal Fields, Pench Area, P.O. Parasia, Distt. Chhindwara in dismissing Shri Tejbali S/o Tijju, General Mazdoor of Eklehra Colliery of WCL, Pench Area from service *w.e.f.* 25-7-93 is legal and justified? If not, to what relief the worker is entitled to?"

2. After receiving reference, notices were issued to the parties. Union submitted statement of claim at Page 3. Case of Ist party Union is that workman Tejbali S/o Tijju was working for 30 days with IIInd party *i.e.* from 27-7-63 to 25-7-93. That due to his illness, workman was demoted from Category IV to Mistri Category IV General Mazdoor. Services of workman was governed by NCWA. Workman had applied to declare him medically unfit and his son may be employed in his place. Management did not accept his application. Management had some other plan so as he was dismissed from service on 25-7-93. That workman was not served with chargesheet neither any enquiry was conducted against him. He was not given chance for his defence. Principles of natural justice were not followed. On such ground, Union submits that dismissal of workman from service is illegal. Union prayed for reinstatement with back wages of workman Tejbali.

3. IIInd party filed Written Statement at Page 4/1 to 4/4. Claim of Union is opposed. It is submitted that workman Tejbali was working as General Mazdoor having Token No. 1957. Since his appointment, workman was in habit of regular absence without intimation or sanctioned leave. Inspite of several warnings, he did not show any improvement. On 11-10-92, workman was issued chargesheet for absence for the period 29-2-92 to 11-10-94. Chargesheet was served by Registered post on his permanent address. Workman did not reply to the chargesheet. Enquiry Officer Shri P.C. Chakravorty was appointed *vide* order dated 6-12-92. Shri R.D. Vishwakarma Executive Engineer was appointed as management representative. Enquiry Officer issued several notices of hearing of enquiry on permanent address of workman. Workman did not appear on any of the dates. Enquiry was proceeded *ex parte*. Enquiry Officer examined management's witnesses. Enquiry was completed and report was submitted by Enquiry Officer holding workman guilty of the charges against him. After considering report of Enquiry Officer that charge of absence was proved, workman was dismissed from service *vide* order dated 25-7-93.

4. Earlier workman was absent from 11-5-90, 12-7-91. The chargesheets were issued to workman. On apology submitted by workman, management has taken lenient view. Despite of it, workman remained absent. He was on duty for 34 days in 1990, 160 days in 1991, 9 days in 1992. Workman was irregular in attendance. It affected production of coal. Management lost confidence in workman. Enquiry was conducted *ex parte* and workman remained absent despite of notices issued to him. Workman was given

opportunity for his defence. Enquiry was conducted following principles of natural justice. On such ground, IIInd party submits that action of the management dismissing workman Tejbali is legal and proper.

5. As per order dated 13-9-2014, enquiry conducted against workman is found legal. Considering pleadings on record and findings on preliminary issue, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

(i) Whether the action of the management of Eklehra Colliery of Western Coal Fields, Pench Area, P.O. Parasia, Distt. Chhindwara in dismissing Shri Tejbali S/o Tijju, General Mazdoor of Eklehra Colliery of WCL, Pench Area from service <i>w.e.f.</i> 25-7-93 is legal and justified?	In Negative
(ii) If not, what relief the workman is entitled to?"	As per final order.

#### REASONS

6. As per order dated 13-9-2013, enquiry conducted against workman is found legal. Union has not adduced evidence. Management filed affidavit of witness Shri M.B. Kumbhare. Witness of the management has stated that DE was conducted against workman by Enquiry Officer Shri D.C. Chakravorty and Shri R.D. Vishwakarma was Presenting Officer. Enquiry was fixed on 16-12-92. Workman did not attend Enquiry Proceedings. Workman remained absent on 23-12-92. Enquiry was not attended on 18-12-02, 23-12-92 therefore enquiry was conducted *ex parte*. Finding of Enquiry Officer is submitted at Exhibit M-7. The documents of Enquiry Proceedings are proved at Exhibit M-1 by witness of the management. The evidence of management's witness remained unchallenged. The chargesheet issued to workman Exhibit M-1 was unauthorized absence for more than 10 days and habitual absence. Statement of management's representative was recorded by Enquiry Officer. The statement of management's representative Shri R. D. Vishwakarma shows that workman was absent from duty from 15-2-92. He was earlier absent and chargesheet was issued on 11-5-90, 12-7-91. Enquiry was conducted *ex parte* as workman did not participate. Thus the charges proved from record of Enquiry proceedings about unauthorized absence of workman from 15-2-92 to 11-10-92 for about 8-1/2 months. The pleadings in Written Statement filed by IIInd party clearly shows that workman was in service of IIInd party from 1963 for about 30 years. The punishment of dismissal from service for unauthorized absence for 8-1/2 months appear exorbitant and disproportionate. The dismissal of

service therefore could not be justified. Punishment is exorbitant, disproportionate. Though the workman has not participated in Enquiry Proceedings as well in reference proceeding, the punishment of dismissal of service cannot be sustained. In my considered view, punishment of compulsory retirement would be appropriate. For above reasons, I record my finding in Point No. 1 in Negative.

7. In the result, award is passed as under:—

- (1) The action of the management of Eklehra Colliery of Western Coal Fields, Pench Area, P.O. Parasia, Distt. Chhindwara in dismissing Shri Tejbali S/o Tijju, General Mazdoor of Eklehra Collier of WCL, Pench Area from service *w.e.f.* 25-7-93 is not legal and proper.
- (2) Order of dismissal of workman is modified to punishment of compulsory retirement. IIInd party shall give retiral benefit to the workman.

R. B. PATLE, Presiding Officer

नई दिल्ली, 30 मार्च, 2015

**का.आ. 689.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डब्ल्यूसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायलय, जबलपुर के पंचाट (संदर्भ संख्या 27/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/3/2015 को प्राप्त हुआ था।

[सं. एल-22012/14/2009-आईआर(सी-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2015

**S.O. 689.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 27/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of WCL and their workmen, received by the Central Government on 30/3/2015.

[No. L-22012/14/2009-IR (C-II)]

Md. ZAHID SHARIF, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/27/2010

Shri R.S. Rathor,  
Secretary Legal,  
Rashtriya Koya Khadan Mazdoor Sangh INTUC,  
Regional Office,  
Chandametta,  
Chhindwara. ....Workman/Union

#### Versus

Chief General Manager,  
WCL, Pench Area,  
PO Parasia,  
Chhindwara.

...Management

#### AWARD

Passed on this 6th day of February, 2015

1. As per letter dated 5-3-2010 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22012/14/2009-IR(C-II). The dispute under reference relates to:

"Whether the action of the management of M/s. WCL in allegedly not correcting the date of birth of Shri Shameen Beig S/o Shri Gafoor Beig from 1-7-48 to 20-8-55 is legal and justified? To what relief is the claimant/workman entitled for?"

2. After receiving reference, notices were issued to the parties. Ist party workman and Union jointly submitted statement of claim at Page 1 to 14. Case of Ist party is that he raised dispute that management about correction for his date of birth 1-7-78 to 28-8-55. His repeated representations were not accepted by management. Union also raised said dispute with management. However the management did not consider his grievance. After failure report submitted, Govt. refused to refer dispute. Workman filed Writ petition No. 1397/10 only after order passed by Hon'ble High Court. The dispute is referred. Workman further submits that he was initially appointed as telephone line mazdoor in Chandametta Colliery on April 73. His date of birth was recorded 20-8-85 in Statutory record Form B same date of birth was also recorded in PAN card, PF record, Insurance Policy taken by workman. That workman was served notice of retirement dated 30-5-08. That he would be retired from 30.6.08. Workman submits that he is prematurely retired 7 years before treating his date of birth 1-7-48. His correct date of birth is 20-8-55. The representations by workman and Union were not considered. The dispute about date of birth was not referred to Age Determination Committee as per JBCCI Circular No. 76. The premature retirement of workman is illegal.

3. The circular No. 76 is reproduced in statement of claim. It is reiterated that his correct date of birth is 20-8-55. He was retired assessing his date of birth was 1-7-48 it is also alleged that his date of birth was illegally changed in record. On such ground, workman is praying for reinstatement with back wages.

4. IIInd party filed Written Statement at Page 2/1 to 2/3. Claim of workman is denied. It is submitted that dispute about correction of date of birth is raised by workman at fag end of service is not tenable. Considering the delay, Government refused to make reference. Only after making direction from Hon'ble High Court, dispute is referred.

Workman was initially appointed on General Mazdoor Cat-I at Rawanwara Khas colliery. He was transferred to Chandametta colliery as per provisions of Mines Act. Statutory registers were maintained in Form B Register. Personal information of employees including name, father's name, date of birth were recorded. Date of birth of workman was recorded 1-7-48 in Form B and Service Book. After introduction of such scheme, service excerpts were submitted to concerned workmen. Ist party workman had declined his date of birth as 1-7-48. No objection was submitted by workman about his date of birth. Workman was served notice of retirement on 1-1-08. On 30-5-08, workman is retired after completion of 60 years of age. Despite of the objection invited by management workman did not submit any objection. There were no discrepancies about date of birth of workman in his service record. Therefore it was not required to refer to Age Determination Committee. On such ground, IIInd party submits claim of workman is not legal.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

(i) whether the action of the management of M/s WCL in allegedly not correcting the date of birth of Shri Shameen Beig S/o Shri Gafoor Beig from 1-7-48 to 20-8-55 is legal and justified?	In affirmative
(ii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

#### REASONS

6. Workman has raised dispute that his correct date of birth is 20-8-55. He was retired assuming his date of birth 1-7-48. He prays for correction of his date of birth. Management has denied his claim for detailed reasons given in Written Statement.

7. Workman filed affidavit of his evidence supporting his contentions in statement of claim. That his correct date of birth is 20-8-55. His date of birth was illegally corrected as 1-7-48 in service record. He had submitted various representations. That he received primary education at Bhamori Distt. Chhindwara. His date of birth was recorded 20-8-55. In I Card, PAN Card, Insurance Policy, PF record, his date of birth was recorded 20-8-55. His representations for correction of date of birth were not accepted. In his cross-examination, workman says as Ist appointment was at Chandametta Colliery, Form B was fitted. He not submitted documents regarding his educational qualifications. Witness was referring documents 7/6. He admitted his signature but denied contents of

documents. He signed the said document on say of the officers of management. He did not go through its contents. That his service book was prepared. He denies thump mark on it. That he had not disclosed his date of birth in document 7/8. That he had requested management for employment of his son. At that time, he had come to know that only one year of his service was left. He also came to know about his date of birth. Workman further says that his date of birth recorded 1-7-48 is incorrect. Management's witness filed affidavit of his evidence supporting contentions of management that date of birth of workman in Form B register, service book was recorded as 1-7-48. From evidence of management's witness documents Exhibit M-9 to 12 are proved. Management's witness in his cross-examination says that he had not seen school certificate produced by workman. In 2009, he was working in Ganpati Mine of NCL. In 2011, he was transferred to Rawanwara colliery. The witness of management denies that date of birth of workman in 20-8-55. Workman was not referred to Age determination Committee. In service record, date of birth is recorded 1-7-48 on basis of Form B Register. In documents produced by management Exhibit M-9 to M-12, date of birth of workman is recorded 1-7-48. Though workman has produced zerox copy of School Certificate, workman has not taken any efforts to prove such document. In Form B Register Exhibit W-2 date of birth of workman is recorded 1-7-48 *i.e.* the documents produced by workman himself. Documents Exhibit W-3 is retirement order, Exhibit W-4 is notice of retirement, Exhibit W-5 is copy of I.I. No. 76, Para iv (B) ii provide—

"Where ever there is no variation in records, such cases will not be reopened unless there is a very glaring and apparent wrong entry brought to the notice of the Management, the management after being satisfied on the merits of the case will take appropriate action for correction through Age Determination Committee cannot be accepted.

8. Learned counsel for IIInd party Shri A.K. Shashi submits that date of birth not to be corrected at fag end of service. In support of his argument, reliance is placed in ratio held in

"Case of State of UP and others *versus* 2005-6-SCC-45. Their Lordship held date of birth as recorded should be decisive. Correction thereof may be only in accordance with procedure prescribed and within time fixed under rules or order within the reasonable time in absence of any rule or order."

Reliance is also placed in case of 1994-6-SCC-302. Their Lordship held date of birth recorded after entering service and countersigned by Govt. servant could not be permitted at fag end of service.

For above reasons, I record Point No. 1 in Affirmative.

9. In the result, award is passed as under:—

- (1) The action of the management of M/s. WCL in allegedly not correcting the date of birth of Shri Shameen Beig S/o Shri Gafoor Beig from 1-7-48 to 20-8-55 is proper and legal.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 30 मार्च, 2015

**का.आ. 690.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एसईसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायलय, जबलपुर के पंचाट (संदर्भ संख्या 39/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/3/2015 को प्राप्त हुआ था।

[सं. एल-22012/213/2004-आईआर(सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2015

**S.O. 690.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 39/05 of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Amadand Sub Area of SECL, and their workmen, received by the Central Government on 30/3/2015.

[No. L-22012/213/2004-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

#### No. CGIT/LC/R/39/05

Secretary/President,  
Samyukta Koyla Mazdoor Sangh,  
C/o Sanjay Mishra, Telephone Exchange,  
PO Kotma Colliery,  
Shahdol ..... Workman/Union

*Versus*

Sub Area Manager,  
Amadand Sub Area of SECL  
PO Chokan,  
Shahdol ..... Management

#### AWARD

Passed on this 11th day of March, 2015

1. As per letter dated 24-5-05 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22012/213/2004-IR(CM-II). The dispute under reference relates to:

"Whether the action of the Sub Area Manager, Amadand Sub Area of SECL in not regularizing Shri Tularam S/o Dadole to the post of Coal Tub Repairer and not making payment of difference of wages for the entire period which he rendered in the higher category than his own designated category is legal and justified? If not, to what relief the workman is entitled?"

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 5/1 to 5/3. Case of Ist party workman is that he was appointed as General Mazdoor Category I in SECL. Since time of his appointment, he was continuously working. Though he was appointed as General Mazdoor Category I since 1-11-99, he was working as Tub Repairer rather he was paid wages of General Mazdoor category I. Workman submitted application for payment of difference of wages of higher post of tub repairer. His application was not considered. IIInd party got annoyed by his application and transferred workman from Harad Incline to Amadand incline in 2002. The job of workman as tub repairer was changed to loader. He is paid wages of General Mazdoor Category I. that as per policy applicable to SECL, workman working on higher post more than 190 days underground or 240 days on surface is entitled for regularization of higher post. That workman further submits that after completing 3 years working on higher post, he was entitled to be regularised on the post of Category V and after 3 years on Category V, he was entitled to regularization on the post of Cat-VI. In the dispute raised by workman before ALC, failure report was submitted and dispute has been referred. On such contentions, workman is claiming regularization on the post of Mazdoor Cat-V from 1-11-99 and after completion of 3 years on respect post, he claims promotion to the post of Cat-V, VI under SLU.

3. IIInd party filed Written Statement at Page 7/1 to 7/4 opposing claim of workman. IIInd party submits that reference is vague. No specific claim is given with the terms of reference. Such reference cannot be adjudicated. That the claim relates to period 1990. The dispute is raised in 2005 is not tenable.

4. IIInd party submits that workman was appointed as General Mazdoor at J&K Area. It is denied that workman was working as tub repairer Cat-IV. It is reiterated that the workman was working as General Mazdoor on which he was appointed. He was not given job of Tub Repairer Ct-IV. Workman is not entitled to promotion to the post of Cat-V, VI claimed by him.

5. Workman submitted rejoinder at Page 8/1 to 8/2 reiterating his contentions in statement of claim.

6. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

(i) whether the action of the Sub Area Manager, Amadand Sub Area of SECL in not regularizing Shri Tularam S/o Dadole to the post of Coal Tub Repairer and not making payment of difference of wages for the entire period which he rendered in the higher category than his own designated category is legal and justified?	In Affirmative
(ii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

### REASONS

7. Though workman has raised present dispute claiming wages of tub repairer Cat-IV and promotion to the post of Cat-V, VI after completion of 3 years working in respective category. Claim of workman is denied by management, it is denied that workman was assigned work of tub repairer at any point of time.

8. Workman failed to adduce evidence. His evidence is closed on 6-4-2010.

9. Management filed affidavit of evidence of witness Shri Santosh Pandey, Sr. Personal Manager supporting contentions of management in Written Statement. Management's witness was not cross-examined. His evidence remained unchallenged.

10. The claim of workman is not supported by any evidence. On the other hand, the evidence of management's witness remained unchallenged. I find no reason to disbelieve his testimony. Therefore I record my finding in Point No. 1 in Affirmative.

11. Workman has failed to adduce evidence in support of his claim. He also failed to cross-examine management's witness. Claim of workman is not supported by any evidence therefore workman is not entitled to any relief. Accordingly I record my finding in Point No. 2.

12. In the result, award is passed as under:—

(1) The action of the Sub Area Manager, Amadand Sub Area of SECL in not regularizing Shri Tularam S/o Dadole to the post of Coal Tub Repairer and not making payment of difference of wages for the entire period which he rendered in the higher

category than his own designated category is proper and legal.

(2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 30 मार्च, 2015

**का.आ. 691.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डब्ल्यूसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 52/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/03/2015 को प्राप्त हुआ था।**

[सं. एल.-22012/263/2012-आईआर (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2015

**S.O. 691.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 52/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of M/s. Western Coalfields Limited, and their workmen, received by the Central Government on 30.03.2015.

[No. L-22012/263/2012-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

#### NO. CGIT/LC/R/52/2013

Shri Lochan Prasad,  
President, Lalzanda Coal Mines Mazdoor Union,  
Pench Area PO, Parasia  
Distt. Chhindwara (MP) ....Workman

*Versus*

Chief General Manager,  
Western Coalfields Limited,  
Pench Area  
P.O. Parasia  
Distt. Chhindwara (MP) ....Management

### AWARD

Passed on this 18th day of February, 2015

1. As per letter dated 5-3-2013 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section 10 of I.D. Act, 1947 as per Notification No. L-22012/

263/2012-IR(CM-II). The dispute under reference relates to:

"Whether the demand of the Union/workman for pay protection to Shri Rambilas S/o Ramnath, T.No. 156 Tub Loader on his conversion from underground to surface job by the management of the Chief General Manager, Western Coalfields Limited, Pench Area, Parasia, Distt. Chhindwara (MP) is justified, valid and reasonable. If yes, to what extent the workman is eligible for pay protection?"

2. After receiving reference, notices were issued to the parties. After his appearance workman submitted application for withdrawal of the case. It is submitted that Union has discussed issue with management and management agreed to look into the matter willing to settle dispute out of Court. Management's counsel has given no objection. As such the dispute between parties appears to be tried to settle out of Court. Workman is not desiring to prosecute his claim therefore No Dispute Award is passed.

R. B. PATLE, Presiding Officer

नई दिल्ली, 30 मार्च, 2015

**का.आ. 692.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एफ.सी.आई. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 64/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/03/2015 को प्राप्त हुआ था।

[सं. एल.-22012/281/एफ/1989-आईआर (सी-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2015

**S.O. 692.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 64/90) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 30.03.2015.

[No. L-22012/281/F/1989-IR(C-II)]

MD. ZAHID SHARIF, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/64/90

PRESIDING OFFICER : SHRI R. B. PATLE

The Secretary,  
Food Corporation of India Employees Association,

C/o FCI, Ajni,  
Nagpur

....Workman/Union

*Versus*

Sr. Regional Manager,  
Food Corporation of India,  
Regional Office, Chetak Building,  
Maharana Pratap Nagar,  
Habibganj,  
Bhopal

....Management

#### AWARD

Passed on this 26th day of February, 2015

1. As per letter dated 21-2-90 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22012/281/F/89-IR (Coal-II). The dispute under reference relates to:

"Whether the action taken by the Regional Manager, Food Corporation of India, Bhopal *vide* order No. V&S/4/91/84 dated 11th Feb. 1988 against Shri K.B. Panchbhai, A.G.I.(D) is justified? If not, to what relief the workman concerned is entitled?"

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim through FCI Employees Association at Page 3/1 to 3/11. Case of Ist party is that he was working as Incharge of Chhola Depot under District Manager, Bhopal. Chargesheet was issued to Ist party workman on 2-1-85 for alleging misconduct, misappropriating 210.01-500 quintals of rice in connivance with Shri R.N. Saini. Transit loss of rice was shown 10.62 to 11.41%. Workman denied the charges. Enquiry officer was appointed to Shri P. Radhakrishnan Rao. On his death, Shri N. Krishna Murthy, Dy. Manager (Finance) was appointed as Enquiry Officer. That transit loss in Shed No. E was investigated. Workman submitted that a common enquiry can be conducted only in the event that the employees are working in the same grade and their involvement is also identical. The employees of different grade were involved in the common enquiry including the employees of lower grade. Conducting common enquiry was humiliating the workman. The Enquiry Officer while dealing with individual cases against CSE has dealt with at page 17 to 22. it is alleged that workman himself submitted report about transit losses. During investigation, the weighment was not properly made. Instead of stock No. 2/7, the Investigating Officer had carried stock No. 3/8. Enquiry Officer did not consider possibility of theft in the night. The transit loss of food grains to the Railway siding. Enquiry was not properly conducted. Workman was not supplied documents requested by them. Enquiry Officer did not consider that no 100% weighment was done despite the transit loss was more than 500 gms per bag. The

weighment at dispatching end indicated various bag to bag from 85.5 to 100.4 Kg. the findings of Enquiry Officer in Para-6 of Page 20 is inconclusive for proper evidence. Enquiry officer had also expressed that Ist party workman was entitled to some benefit of doubts. The witness of management was deputed for investigation of wagons received at Chhola godown. The charges leveled against workman were on basis of presumption and assumption without any investigation. Enquiry Officer committed error in holding that the defence was not established. That every effort was made to procure all documents to give fair opportunity of defence. It is not proper. The statement of claim submitted by workman is very extensive about the evidence of Investigating Officer Shri R.S. Pillai, witness of the management and reasons and findings given by the Enquiry Officer.

3. Ist party further submits that the documents demanded by workman were not given to him. The fact that stock was loaded in 5 wagons received at Bhopal in "C" Shed. The workman was incharge was loaded from stocks resulting heavy losses. However Enquiry Officer has totally failed to consider specific deliberation in his report. Point remained unanswered that in Form Exhibit D-1, it is seen that 2988 bags of rice were dispatched from depot to Railway Tilda. Document Exhibit D-4 shows 2638 bags from depot to Tilda Rail Head on 12-13-7/84. That shortage of 350 bags from were made out of the available stocks reducing quantity in all the bags loaded. That document P-1(c) and P-1(1) shows 55 bags. Both the exhibits shows weight of 55 bags rice. In both exhibits, the weight of one set of 10 bags are identical. It is emphasized that in standing orders, the management has no right to impose any penalty upon any workman after expiry of 3 months. The punishment was imposed after long lapse of time beyond six months of the chargesheet issued. That principles of natural justice were not followed by Enquiry Officer. Workman was made scape goat in the enquiry. The amount of transit loss caused due to shortage was recovered from other employees. The total recovery cannot exceed the amount of loss suffered by management. Ist party workman is not responsible for the charges related to other officials. The enquiry was delayed. Workman was not supplied additional documents. The material record was not considered by Enquiry Officer. The findings of Enquiry Officer suffers from non-application of mind. The appointment of Enquiry officer was not technically qualified is not proper. The findings of Enquiry Officer are perverse. On such ground, Ist party prays that punishment order dated 11-2-88 be set-aside. The amount already recovered be refunded back with interest.

4. IIInd party filed Written Statement at Page 6/1 to 6/10 opposing the claim of workman. Preliminary objection is raised that the terms of reference relates to the action taken

*vide* order dated 11-2-88 against workman Shri K.B. Panchbhai. The Tribunal has no jurisdiction to go beyond the terms of reference and set aside the order of reduction of pay scale for period of 5 years etc. The terms of reference is not related to reduction of pay scale of minimum of 5 years.

5. IIInd party further submits that workman was appointed in 1972 as Assistant Grade III. He was promoted to the post of Asstt. Grade II and Assistant Grade-I, the service record of workman was not proper. Seven chargesheet were issued to him in 1987, details given in Para-5 of Written Statement. That Shri K.B. Panchbhai Grade I was working in Chhola Depot in connivance with Shri R.N. Saini. The transit loss shown 210.02.500 quintals rice against 5 wagons received at "C" shed Chhola Depot on 17-7-84 which is given in Para-7 of Written Statement. That Shri K.B. Panchbhai in conspiracy with Shri Saini shown transit loss and misappropriated rice. The details of the documents and investigation carried are narrated in detail by IIInd party. That Shri Radhakrishnan was appointed as Enquiry Officer, P.N. Nair as Presenting Officer. After death of Shri Radhakrishnan, Shri N.M. Mukherjee was appointed as Enquiry Officer. On transfer of Shri Mukherjee, Shri N. Krishna Murthy was appointed as Enquiry Officer. IIInd party reiterates that enquiry was properly conducted. The documents requested by workman were supplied and inspection of documents were given. Workman was given full opportunity for his defence. Enquiry Officer submitted his findings on 30-6-87. The findings of Enquiry officer were served on Ist party workman alongwith showcause notice. Considering grave nature of misconduct of misappropriation of 210.02.500 quintal rice. Disciplinary Authority shown leniency imposing punishment of reduction of pay of workman at lower stage for period of 5 years etc. IIInd party reiterates that the order of punishment is proper and legal. The reference be answered in favour of management.

6. As per order dated 14-11-13, enquiry conducted against workman is found proper and legal. Considering pleadings on record and findings on preliminary, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

<p>(i) Whether the misconduct alleged against workman is proved from evidence in Enquiry proceedings?</p> <p>(ii) Whether the punishment of reduction of pay imposed against workman is proper and legal?</p>	<p>In Affirmative</p> <p>In Affirmative</p>
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(iii) If not, what relief the workman is entitled to?"

### REASONS

7. As per order dated 14-1-2013, enquiry conducted against workman is found proper and legal, question remains for consideration whether the misconduct alleged against workman is proved from evidence in Enquiry Proceedings or findings of Enquiry Officer are perverse. The next question is whether the punishment of reduction of pay imposed against workman is proper and legal. For deciding point, only evidence in Enquiry Proceedings needs to be considered as enquiry is found proper and legal.

8. Management's witness Shri R.S. Pillai submitted his report of inspection is marked Exhibit W-2. The note of inspection shows that the stock was dispatched from Tilda on 12-13/7/84. The witness has visited one stock from FCI godown for test weighment. The stock was contemporary. Some despatches were made from the stock recently the average dispatch weight was found 98.4 kg. One complete block from bottom layer to 16th layer and two part blocks were weighed alongwith some standing refill bags, no torn bag were weighed. Weighment sheets No. 01101 and 102 signed by all concerned were enclosed with Inspection Note. The moisture content of stock was determined prior to weighment observing general conditions of stock and condition of stock no. E/3/8 in particular case for abnormal transit loss and FSD Bhopal could not be attributed to pre-loading act in Tilda Depot. Management's witness Shri Pillai was examined before Enquiry Officer. He has specifically stated that it was recorded as 12.8% at note 3 in the weighment sheet. That 10% weight of component loaded in wagons from ER30101, SE 79466, ER 78234 and ER84494. In his cross, Shri R.S. Pillai says he was given order for investigation in writing. That was the note he had signed. In reply to Q.7, the witness says he selected 4 wagons because he was asked to inspect his 4 wagons only. In his further cross-examination says he did not know amode of transportation to Tilda depot. That he did not consider it relevant to inspect because the weight recorded in the concerned weighment sheet is the weight of consignment loaded into wagons and not into the transporters vehicle. The reply given by witness is the complete answer to all questions. When weighment at the time of loading the wagons was recorded, there was no point in inspecting the transport or weighment of stocks prior to loading at Tilda Depot. Management's witness in his cross-examination says that he remember the weighment sheet book concerning despatches from Neora depot from 12th and 13th July 84, the stock wise register and the daily diary maintained by the Depot Incharge. That Exhibit P-1(a) records weighment of 30 bags, in Exhibit P-1B-out of

Workman is not entitled to any relief.

stocks loaded into wagon. 55 bags plus 2 bags out of stocks loaded into Wagon. From stack No. 2/7 as per page 37 Exhibit D-4, despatches were made to Chhola Depot on 12th and 13th July 84. He selected stock No. A-3/8 he used his discretion, Stock No. 1/2/7 had only 177 bags which recorded disproportionately higher weight. That in his report, management's witness stated average of 98.1 Kg as belonging to recent despatches made below the stocks dispatched appear to be locally issued. The evidence of management's witness is not shattered in his cross-examination. In his cross, he has given reasons for selecting stock No. A/3/8 for test weighment as Stock No. A/2/7 was having only 177 bags and higher stocks. If the measurements from Stock No. 2/A, 2/7 would have been carried by the management witness, certainly the transit loss would have been on higher side. The evidence of management's witness that no fault or unusual transit loss was found at Tilda Depot is not shattered in his cross-examination. When invoices of loading at Tilda depot the weighment was recorded, the management's witness has explained that CSE has not accounted loss of grain of damage bags in wagons. It is clear that the transit loss of 10.66 to more than 11% is not explained by the workman/ CSE.

9. The evidence of management's witness No. 2 Shri S.S. Gujrati is clear that after unusual transit loss was reported, he had submitted its information to District Manager. Immediately inspection was started. That in Exhibit P-12 (a to e), the weighment of check memos of 5 wagons received Ex-Tilda in C shed on 17-7-84 given the wagon numbers. According to the document, out of 1995 bags received, 1949 are shown sound and 46 slack and torn. Total weight of these 5 wagons are shown 1734-93-500 loss. All the details of weighment of wagons is given in his evidence. That he had signed the statement document Exhibit D-6(a) in respect of C Shed.

10. Written notes of arguments are submitted by both parties. The written arguments submitted on behalf of workman refers to different facts for the losses is explained by management's witness Shri R.S. Pillai that weighment was recorded at the time of loading rice bags, wagons at Tilda Siding, said aspect is also considered by Enquiry Officer in his report at page 21,22. The Enquiry Officer has observed even if the bags were torn/slack, contented by workman, there should have equal quantity of spillage in the wagon as the wagons have been received seal in tact. There should not be any possibility of this much quantity of rice pilfered in route. They should have been available in the wagon itself as pallas and as stated by Shri K.B. Panchbhai have been collected and refilled in the bags. Another point the defence brought out is that when ever there is variation of weight of 500 grams per bag,

100% weighment should be conducted. When these standing instructions are existing the defence was not conducted inspite of the fact the variation was beyond 500 gms per bag to bag. I do not find any defect in the above observations made in the enquiry. Enquiry Officer has further observed it is only hypothetical argument that Investigating Officer had not taken in his investigation the wagons received in the particular shed. As a test check the investigation officer had taken the 5 wagons received in E Shed for his investigation as the transit loss shown in the E shed was very much higher. Shri R.S. Pillai has also test checked the average weight of a separate stack in the Neora depot and found that it more or less tallies with the average dispatch weight. The evidence of management's witness discussed above supports the reasons given by Enquiry Officer. The scope of judicial review is restricted. The evidence cannot be re-appreciated as Appellate Authority. Enquiry Officer has considered evidence of the witnesses in context of the charges alleged against all chargesheet employees. The findings of enquiry cannot be said perverse as there is evidence of the management witness supporting his findings. For above reasons, I record my finding in Point No. 1 in Affirmative.

11. Point No. 2—the charge proved against workman pertains to mis-appropriation of 210.02.500 quintal rice in connivance with Shri R.N. Saini. the transit loss of the rice dispatched to Chhola depot was unusual more than 10 to 11%. Such huge transit loss was found unusual. The punishment imposed against workman CSE reducing his pay to lower stage of 5 years cannot be said shockingly disproportionate or excessive. For above reasons, I record my finding in Point No. 2 in Affirmative.

12. In the result, award is passed as under:—

- (1) The action taken by the Regional Manager, Food Corporation of India, Bhopal vide order No. V&S/ 4/91/84 dated 11th Feb 1988 against Shri K.B. Panchbhai, A.G.I.(D) is proper and legal.
- (2) Workman is not entitled to any relief.

R.B. PATLE, Presiding Officer.

नई दिल्ली, 30 मार्च, 2015

**का.आ. 693.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एसईसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 73/92) को प्रकाशित करती हैं जो केन्द्रीय सरकार को 30/03/2015 को प्राप्त हुआ था।

[सं. एल-22012/256/1991-आईआर (सी-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2014

**S.O. 693.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 73/92) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of Chirimiri Colliery SECL, and their workmen, received by the Central Government on 30.03.2015.

[No. L-22012/256/1991-IR(C-II)]

Md. ZAHID SHARIF, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

#### NO. CGIT/LC/R/73/92

Vice President, National colliery workers federation, PO Koria Colliery, Distt. Surguja (MP)	...Workman/Union
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*Versus*

General Manager, Chirimiri Area of SECL PO West Chirimiri Colliery, Distt., Surguja (MP)	...Management
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#### AWARD

Passed on this 19th day of January, 2015

1. As per letter dated 7.4.92 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22012/256/91-IR (C-II). The dispute under reference relates to:

"Whether the action of the management of Chirimiri Area of SECL in recovering Rs. 10,000 from the wages of Shri K.D. Sahai, Store Keeper, Regional Store, Korea and his supersession by his juniors in promotion is legal and justified? If not, to what relief the concerned workman is entitled to?"

2. After receiving reference, notices were issued to the parties. Ist party Union submitted statement of claim on behalf of workman Shri K. D. Sahai. Union submits that it is registered under Trade Union Act. That recovery of

Rs. 10,000 was illegally started against Shri K.D. Sahai, store keeper. He was superseded by his juniors in promotion. That Shri K.D. Sahai was wrongly punished *vide* order dated 20.1.89 for recovery of Rs. 10,000 from his salary. Shri K.D. Sahai was appointed on 1.8.58 as Store Issuer in SECL. He was promoted as Asstt. Store Keeper in 1971. Again promoted as Store Keeper in 1979. Chargesheet was issued to workman on 2.4.87 relating misconduct alleged dated 6.10.85. It is alleged that the enquiry was not properly conducted. Principles of natural justice were violated. The findings of Enquiry Officer are perverse. Order of recovery of Rs. 10,000 is illegal. The punishment is excessive. Workman was victimized and superseded in promotion for post of store keeper. Ist party prays to quash order of recovery of Rs. 10,000 against Shri K.D. Sahai and he be given promotion from the date of promotion of his juniors.

3. IIInd party filed separate Written Statement about order of recovery of Rs. 10,000 and supersession of workman Shri K.D. Sahai in the matter of promotions. IIInd party submits that workman on 6.10.85 was disputed for delivering from Railway Station Chirimiri from PR No. 432557, 532558, 432559. Again he was instructed by Sr. Store Officer to hand over pipes to contractor after completed. The workman had given delivery of pipes without counting. 90 pipes were given in excess. Because of above loss of pipes, management issued chargesheet dated 2.4.87. Workman was given proper opportunity or his defence. Workman had admitted in enquiry that delivery was given without counting. The negligence of workman was proved. The transport contractor was also found involved. Amount of Rs. 24,000 was recovered from contractor. Amount of Rs. 8000 was recovered from Shri Bannerjee, Rs. 10,000 from workman, 6000 from labour involved in the matter. IIInd party further submits that workman was not victimized in the matter of promotions. The promotions were made on recommendations of DPC. The CRs of workman for 87-88, 88-89 were considered. Workman was found not suitable for promotion. Candidates from SC-ST category were considered. Only 4 posts were available. Workman could not be promoted.

4. Workman filed rejoinder at Page 8 to 10 reiterating his contentions in statement of claim.

5. As per order dated 23.10.2013, enquiry conducted against workman is found proper and legal. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

(i) Whether the action of the management of Chirimiri Area

In Affirmative

of SECL in recovering Rs. 10,000 from the wages of Shri K. D. Sahai, Store Keeper, Regional Store, Korea is legal and justified?

(ii) Whether the supersession of workman by his juniors in promotions is legal and justified? In Affirmative

(ii) If not, what relief the workman is entitled to?" Workman is not entitled to any relief.

## REASONS

6. As stated above, enquiry conducted against workman is found proper and legal. The question remains whether order of recovery of Rs. 10,000 from workman Shri K.D. Sahai is proper. The evidence in Enquiry Proceedings needs to be considered to decide whether charges alleged against workman are proved. Exhibit M-1 is letter initiating enquiry against workman alleging negligence in duty on his part in delivery of pipes Management's witness Shri V.S. Vishwanathan was examined in Enquiry Proceedings. He has stated that Shri K.D. Sahai was entrusted work of taking delivery. On 6.10.85, the contractor transported pipes on 7.10.85. Last trip was taken on 11.10.85. 90 pipes were received less. He submitted report to Sr. Store Officer. In his cross-examination by workman, the witness says he was working in receipt section. He was assisted by Baby Thomas. He did not remember how many challans were received by him from contractor. He did not remember the number of pipes and its size. He further says that signature of sender were required on challan. The witness was unable to tell whether signature of Shri R.K. Das were necessary on challan. The witness further says that except work of unloading, no other work was given to the workman, the management's witness Shri A.K. Das corroborate his evidence that workman was entrusted work of taking delivery of pipes. Delivery of 90 pipes less was found. The evidence of those witnesses shows negligence on part of workman the evidence cannot be re-appreciated as Appellate Authority. The findings of authority is supported by same evidence rather the findings of Enquiry Officer cannot be said perverse. Therefore, recovery of Rs. 10,000 from workman cannot be said illegal.

7. W.r.t. IIInd part of charge, superior of workman in the matter of promotion, service record of workman is produced at Exhibit M-2 disclosing his service details. Copy of recommendation of DPC for post of Sr. Store Keeper, Chirimiri Area is produced. Workman was also considered.

The copy of conciliation report, considered by DPC were found average on some counts. Considering the post available and reservation of two posts for SC, ST candidates, DPC did not recommend Ist party workman for promotion. Promotion cannot be said illegal or act of victimization. For above reasons, I record my finding in Point No. 1, 2 in Affirmative.

8. In the result, award is passed as under:—

- (1) The action of the management of Chirimiri Area of SECL in recovering Rs. 10,000 from the wages of Shri K.D. Sahai, Store Keeper, Regional Store, Korea and his supersession by his juniors in promotion is proper and legal.
- (2) Workman is not entitled to any relief.

R.B. PATLE, Presiding Officer

नई दिल्ली, 30 मार्च, 2015

**का.आ. 694.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस.सी.आई. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 98/2007) को प्रकाशित करती हैं, जो केन्द्रीय सरकार को 30/03/2015 को प्राप्त हुआ था।

[सं. एल-22012/349/2005-आई.आर. (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2015

**S.O. 694.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 98/07) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur* as shown in the Annexure, in the Industrial Dispute between the management of *Food Corporation of India*, and their workmen, received by the Central Government on 30.03.2015.

[No. L-22012/349/2005-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

#### ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**  
**NO. CGIT/LC/R/98/07**

General Secretary,  
SC/ST/OBC Karmchari Kalyan Parishad  
9, Sanwer Road,  
Ujjain. ...Workman/Union

*Versus*

Sr. Regional Manager,  
Food Corporation of India,  
Regional Office, Chetak Building,  
Bhopal ...Management

#### AWARD

Passed on this 19th day of November, 2014

1. As per letter dated 27.9.07 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22012/349/2005-IR(CM-II). The dispute under reference relates to:

"Whether the action of the Sr. Regional Manager, Food Corporation of India, Bhopal in not considering the case of Shri Amit Lodhwal for providing him compassionate appointment is legal and justified? If not, to what relief Shri Amit Lodhwal is entitled?"

2. After receiving reference, notices were issued to the parties. Dependent of workman submits his father was appointed as watchman in 1977. He belongs to SC. His father died on 7.3.00 leaving his widow Sonibai, son Amit and Shailesh, Daughter Kamini. Widow Soni bai was suffering from illness. For family support, application for appointment on compassionate ground of Amit was submitted. Amit was interviewed for compassionate ground by Competent Officers. He was selected for appointment on compassionate ground. However appointment order was not given to him. SC Welfare Council had submitted representations. Despite of it, Ist party was not given appointment. The dispute has been referred. Ist party is praying for his appointment on compassionate ground *w.e.f.* 1.7.00.

3. IIInd party filed Written Statement opposing relief claimed by Ist party dependent. That FCI is established as per FCI Act, 1964. It is undertaking of Central Govt. The dispute is not raised by Trade Union rather it is raised by General Secretary of SC ST Employees Welfare Council. The reference is not tenable. The welfare council is not registered as Trade Union. It is not competent to raise the dispute.

4. Father of Ist party A.K. Lodhwal was appointed on 15.11.77 as watchman. On 29.12.97, he was promoted as dusting operator. His date of retirement was 30.6.2016. However father of Ist party died on 7.3.00 leaving his widow Soni Bai, Son Amit, Shailesh, Daughter Kamini. It is submitted that the circulars issued by Govt. of India provides 5% vacancies to be filled on compassionate ground. Said decision was upheld by Delhi High Court in LPA 181/2010. Ist party workman Shri Amit Lodhwal had applied for appointment on compassionate ground. However within period of 3 years, he could not be appointed for want of vacancies. The list for appointment on

compassionate ground of Ist party was cancelled from 17.2.06. Its information was given to him. It is further submitted that Ist party is not entitled to any relief.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

(i) Whether SC ST Welfare Council has locus standi to raise and prosecute the dispute.	In Negative
(ii) Whether action of the Sr. Regional Manager, Food Corporation of India, Bhopal in not considering the case of Shri Amit Lodhwal for providing him compassionate appointment is legal and justified?	In Affirmative
(iii) If not, what relief the workman is entitled to?"	Ist Party is not entitled to any relief.

#### REASONS

6. As per terms of reference, denial of appointment of compassionate ground of Ist party is in dispute. Said dispute is raised by SC ST Welfare council which is not registered under Trade Union Act, 1926 has not locus to raise or prosecute present dispute. The documents are produced at Exhibit W-1 to W-7. Exhibit W-1 is copy of death certificate of Shri Kamlesh Kumar S/o Ist party, W-2 is application submitted by widow Sonabai for appointment on compassionate ground for her son Amit Kumar. Exhibit W-3 shows copies of applications addressed to various authorities. Exhibit W-4 is letter sent by Asstt. General Manager informing that the proposal was forwarded to Mumbai office who was under consideration. Exhibit W-5 shows that said letter was addressed to various authorities. W-6 shows 5% post were reserved for appointment on compassionate ground. W-7 is circular dated 14.5.01 to take action as per circulars in the matter of appointment on compassionate ground. Exhibit W-8 is circular dated 5.5.03 prescribing filling of 5% post through direct recruitment quota. W-9 is letter dated 5.2.04 by Joint Direction for taking action as per circular dated 5.3.02. Exhibit W-10 is letter given by Asstt. Manager dated 15.7.04 for taking action as per circulars. Similar documents are produced by IIInd party at Exhibit M-1 to M-7. IIInd party has not disputed Ist party Amit was included in list for appointment on compassionate ground. The documents Exhibit M-8 to M-16 are produced by IIInd party.

7. Ist party has not adduced evidence in view of admission of documents. Shri Ram Nagwanshi has given

letter dated 26.2.2013. Management's witness Shri William Kirki in his affidavit of evidence supported the contentions of IIInd party in Written Statement about 5% post were reserved for appointment on compassionate ground. The application submitted by Soni Bai widow of deceased for appointment of her son Amit for appointment on compassionate ground was submitted to higher officer. On 12.9.03, its information was given to the Union. The register for appointment on compassionate ground is maintained. In 5% post reserved for compassionate ground, Ist party could not be appointed within 3 years his name was cancelled from list of 17.2.06. Its information was also given to him. The evidence on record clearly shows that name of Ist party was considered for appointment on compassionate ground but he could not be appointed within period of 3 years against 5% reserved post therefore the action of the IIInd party cannot be said illegal. For above reasons, I record my finding in Point No. 1 that SC ST Welfare Council has no authority to raise or prosecute the proceeding, Point No. 2 in Affirmative.

8. In the result, award is passed as under:—

- (1) The action of the Sr. Regional Manager, Food Corporation of India, Bhopal in not considering the case of Shri Amit Lodhwal for providing him compassionate appointment is legal and proper.
- (2) Workman is not entitled to any relief.

R.B. PATLE, Presiding Officer

नई दिल्ली, 30 मार्च, 2015

**का.आ. 695.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डब्ल्यूसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 100/95) को प्रकाशित करती हैं, जो केन्द्रीय सरकार को 30/03/2015 को प्राप्त हुआ था।

[सं. एल-22012/575/1994-आईआर (सी-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2015

**S.O. 695.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 100/95) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur* as shown in the Annexure, in the Industrial Dispute between the management of *Western Coalfield Limited*, and their workmen, received by the Central Government on 30.03.2015.

[No. L-22012/575/1994-IR(C-II)]

Md. ZAHID SHARIF, Section Officer

## ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**

No. CGIT/LC/R/100/95

Shri Pritam,

S/o Jaganlal

Village Sukari Basti,

Ward No. 16, PO Junnardeo,

Distt. Chhindwara (MP)

...Workman

Versus

General Manager,

Western Coalfields Ltd.,

Nagpur Area,

Jalpataka,

...Management

**AWARD**

Passed on this 9th day of March, 2015

1. As per letter dated 26.5.95 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section 10 of I.D. Act, 1947 as per Notification No. L-22012/575/94-IR(C-II). The dispute under reference relates to:

"Whether the action of W.C. Ltd., Management Nagpur in terminating the services of Shri Pritam S/o Jaganlal from 20.7.89 is legal, proper and justified? If not, what relief the workman is entitled to?"

2. After receiving reference, notices were issued to the parties. 1st party workman submitted statement of claim at Page 2/1 to 2/4. Case of 1st party workman is his father Jaganlal was working on the post of switch attendant in Bipla Colliery of Kanhan Area, Distt. Chhindwara. His father was declared medically unfit and terminated from service. Workman was appointed on compassionate ground. Chargesheet was issued to workman on 12.12.92 for allegation of unauthorized absence. Chargesheet was not supplied to him. The memo for appointment of Enquiry Officer was not supplied. Notice of enquiry fixed on 12.6.93 was sent by registered post was received by him on 12.6.93. That he requested Enquiry Officer to adjourn enquiry and supply chargesheet and documents for his defence. His request was not replied. Neither chargesheet or suspension orders were supplied to him. The dismissal order was also not supplied to him. Workman reiterates that he was dismissed for allegation of unauthorised absence in violation of standing orders. As per standing order, workman is given opportunity to explain the allegations after receiving chargesheet the punishment order cannot be issued. Workman further submits that after dismissal from service, management fabricated the record of Enquiry Proceedings with motive to support the order of his dismissal. Workman had suffered pain in abdomen. He was

operated of Appendix. He was under treatment from 11.4.89 to 17.7.89. The Medical officer had declared him fit for light duty. He was not assigned light duty. His request for transfer to other mine was not considered. Workman was not informed about the rejection of his request. On such ground, workman prays for reinstatement with back wages.

3. Management filed Written Statement at Page 4/1 to 4/5 opposing claim of workman. it is submitted that Coal Mines are nationalized. The service conditions are covered by NCWA. Workman was appointed on compassionate ground as per provisions under NCWA. He was posted at Pipla Mines. Any intimation was not received by management about treatment of workman. Workman himself has contended that he was declared fit for duty from 18.7.89. He was supposed to report duty on 19.7.89. Workman remained absent from duty from 1.5.89 to 3.12.92. Chargesheet was issued to workman for unauthorized absence as per Clause 17(1)(n) of the standing orders. Workman was absent from duty for more than 3½ years. Enquiry was properly conducted despite of notices issued to workman about enquiry fixed on 7.4.93, 8.6.93, 12.6.93. Workman did not participate in enquiry therefore enquiry was conducted in absence. Enquiry Officer submitted his findings that charges are proved beyond doubt. In view of proved charges, workman was dismissed from service. The punishment of dismissal is proper. Workman is not entitled to any relief.

4. Workman submitted rejoinder at Page 6/1 to 6/4 reiterating his contentions in statement of claim.

5. Management submitted reply to rejoinder at Page 5/1 to 5/5 reiterating its contentions in Written Statement.

6. As per order dated 29.11.11, my predecessor held enquiry conducted against workman is illegal and not proper. Management was granted permission to prove misconduct adducing evidence.

7. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

- (i) Whether the charges against 1st party are proved by management of 2nd party? In Negative
- (ii) Whether the punishment of dismissal imposed against workman is proper and legal? In Negative
- (iii) If not, what relief the workman is entitled to? As per final order

**REASONS**

8. As stated above, enquiry conducted against workman was found illegal and not proper. Management was permitted to prove misconduct by adducing evidence.

In pursuance of said permission, management has filed affidavit of witness Smt. V. Laxmi Shankar. The affidavit of management's witness deals with chargesheet No. 240 dated 12.10.92 issued to workman under clause (17)(1)(b) for continuous absence without permission. That NCWA does not provide privilege to workman that dependent should be given particular mine only. Since no records were available and the attendance clerk, personal officer are retired, the Committee is constituted to search the records of the documents as per advice of Dy. General Manager, Nagpur Area. The Committee met on 15.1.2013 and examined Form 'B' No. 2304. That workman himself submitted that he was under treatment and declared fit for duty on 18.7.89. He had to resume duty on 18.7.89. Workman did not report for duty till 31.12.92. In her cross-examination, management's witness says she joined duty from 5.2.08. From available records, she has stated the date of joining of workman. She had seen Form B of workman. zerox copy is produced. That witness says documents were destroyed in fire in 1994. She received said information from office members. She has no authentic information about the documents destroyed in fire. In Form B, there was entry that workman was terminated for unauthorized absence. In her further cross, witness of management says she is not aware about chargesheet issued to workman. Zerox copy of Form B register bears her signature marked Exhibit M-9. She signed on it as true copy. She has not brought original Form B Register. That she stated in her affidavit that workman had not received treatment in WCL Hospital. As Manager transferred, she inquired about documents of treatment. That she does not know about the documents relating to operation of workman at Kanhan. The information is available about PF. The witness says that said documents are produced on record. management's witness is not cogent about the unauthorized absence of workman or treatment received by workman in Kanhan Hospital.

9. Workman has produced documents Exhibit W-1 to W-8. Workman had submitted applications that he was operated of appendix. He requested light duty as per application dated 29.9.89 (Exhibit W-2). The application Exhibit W-1 finds reference that his father was declared unfit on 15.4.88 and he was appointed in place of his father at Pipla Mine. The certificate issued by Medical officer produced at Exhibit W-4 shows that workman was declared fit for light work. Exhibit W-5 also shows that workman was operated of Appendix on 5.6.89. He was under treatment of the Area Hospital. Workman filed affidavit of his evidence supporting his contentions. From his evidence, documents Exhibit W-1 to W-6 are proved. The workman in his cross-examination says he had sent application through his son by registered post Exhibit W-5, W-6. Workman in his further cross-examination says he studied upto Vth standard. At

the end of his cross, workman says he cannot do any work. The evidence adduced by management is not sufficient to prove the workman was unauthorisely absent. His request for transfer or assigning light duty were not decided.

10. In the written notes of arguments, it is submitted that the management's witnesses was working as Welfare Officer. As per provisions under Mines Act, Welfare Officer cannot give evidence on behalf of management except as independent witness. Evidence of management's witness is not as independent witness rather it is based in information received from other staff members. The evidence is not sufficient to prove charges of unauthorized absence against workman. therefore I record Point No. 1 in Negative.

11. Charges against workman are not proved by cogent evidence, the attendance clerk and other staff receiving direct information are not examined. The record of attendance is also not produced. Workman was terminated for unauthorized absence. However said charges are not proved from evidence of management's witness. Therefore punishment of dismissal against workman cannot be said proper and legal. Workman says he cannot do any work therefore reinstatement of workman could not be appropriate. Considering workman was dismissed for unauthorized absence, charges are not proved, question arises what relief be granted in the matter.

12. Shri R.S. Verma for workman on the point relies on ratio held in Case of Deepali Gundu Surwase *versus* Kranti Junior Adhyapak Mahavidyalaya and others reported in 2013(10)(SCC) 324. Their Lordship dealing with the question of reinstatement with back wages considered conduct of employer and sufferings of employee. Their Lordship held denial of backwages would amount to indirectly punishing the employee and rewarding the employer by relieving him of the obligation to pay backwages.

In present case, it was not case of the management that no enquiry could be held against workman rather the party conducted enquiry against workman but enquiry is found vitiated therefore ration held in above cited case cannot be applied to case at hand.

Reliance is also placed by Shri A.K. Shashi on ratio held in Case of M.P. State electricity Board and Jarina Bee reported in 2013-III-LLJ-244. Their Lordship dealing with question of awarding full back wages held award of whole backwages not natural consequence of setting aside dismissal of workman. It has discretionary element and no strait jacket formula can be evolved. Their Lordship held Even when the unfortunate workman died during the pendency of matter before the Industrial Court in appeal, the appellant employer Board contested its liability to pay be respondent widow of the workman full back wages, fastened on it by the Industrial Court. The High Court only

confirmed the Industrial Court's order of removal from service was set aside, award of back wages was the natural consequence. Hence the present appeal by the electricity board. The Supreme Court allowed it, observing that award of full back wages was not be natural consequence of setting aside a removal from service. However in the circumstances of the payment of Rs. 85,000 towards backwages to the respondent, it was held would meet the ends of justice.

In present case, workman was appointed on compassionate ground in April, 1988. For unauthorized absence, chargesheet was issued to him and ultimately dismissed from service on 30.7.89. Workman attended his duties for about 1 year before chargesheet was issued to him. considering above facts and evidence in cross-examination of workman, he cannot do any work, compensation Rs. 1,50,000 would be appropriate. Accordingly I record my finding in Point No. 2.

13. In the result, award is passed as under:

- (1) The action of W.C. Ltd., Management Nagpur in terminating the services of Shri Pritam S/o Jagannath from 20.7.89 is not legal and proper.
- (2) The party is directed to pay compensation Rs. 1,50,000 to the workman within 30 days from the date of publication is award.

In case of default, amount shall carry 9% interest per annum from the date of award till its realization.

R.B. PATLE, Presiding Officer

नई दिल्ली, 30 मार्च, 2015

का.आ. 696.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यूसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 113/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/03/2015 को प्राप्त हुआ था।

[सं. एल. – 22012/337/2002-आई आर (सी एम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2015

**S.O. 696.** In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 113/03) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Ghorawari Colliery of WCL, and their workman, received by the Central Government on 30.03.2015.

[No. L-22012/337/2002-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

## ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/113/03

General Secretary,  
RKKMS (INTUC),  
PO Chandametta,  
Chhindwara

...Workman/Union

*Versus*

The Manager,  
Ghorawari Colliery of WCL,  
Kanhan Area, PO Ghorawari,  
Chhindwara

...Management

## AWARD

Passed on this 24th day of November, 2014

1. As per letter dated 16.6.03 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section 10 of I.D. Act, 1947 as per Notification No. L-22012/337/2002-IR(CM-II). The dispute under reference relates to:

"Whether the action of Manager, Ghorawari Colliery of WCL, Kanhan Area, PO Ghorawari, Distt. Chhindwara, MP in not giving light job to Shri Md. Arif, S/o Sheikh Sharif, General Mazdoor is legal and justified? If not, to what relief the workman is entitled?"

2. After receiving reference, notices were issued to the parties. Workman submitted statement of claim at page 4/1 to 4/4. Case of workman is that he was employed as General Mazdoor from 4.10.90 in Ghorawari colliery of WCL. He was directed to perform duties of electrician. On 2.6.92, He was directed by Colliery Manager to perform duty on electric pole for removing electrical conductors. During course of employment removing conductors on electric poles, he fell down to sustain serious injuries to both of his legs. He was taken to hospital whether he was treated and ultimately Doctor certified that he sustained 100% disability because of his legs. Workman was removed from service.

3. Workman further submits that he had filed application under Workmen Compensation Act 1923 before Labour Court, Chhindwara bearing 15/93. Said case was contested by management. Labour Court, Chhindwara as per award dated 26.5.99 held that workman become permanently disabled due to the accident occurred during course of employment. Compensation of Rs. 89,084 with 6% interest was allowed. Management was directed to pay said amount.

4. Workman further submits that the service conditions of the employees of WCL are covered by NCWA. As per Clause 9.41 of NCWA, the dependents of employee

permanently disabled are entitled for appointment on compassionate grounds. Workman further submits that he has three brothers Mohd. Abid, Mohd. Tahir & Mohd. Firaz. After his treatment, he was removed from employment by management without any notice. Workman prays for his reinstatement with full back wages.

5. IIInd party filed Written Statement at page 5/1 to 5/7 denying claim of workman. Preliminary objection is raised that Ist party workman was not its employee rather he was employee of contractor. There is no employer employee relationship. The reference is not tenable. That management of WCL awarded contract of dismantling, loading and transporting to colliery store. The contractor engaged certain persons for execution of said work. Principle employer is permitted to get work executed by contractor except work of prohibited category. Ist party workman was engaged by contractor. There is no employer employee relationship. Workman was not deployed for work on electric pole as claimed. It is submitted that Ist party is not covered as workman under ID Act. Workman was engaged by contractor Noor Mohd. In proceeding under Case No. 578/93, it was held that workman was engaged by contractor. As contractor died, IIInd party was directed to pay compensation amount Rs. 89,084 with interest. That total amount Rs. 1,29,171.80 was deposited by IIInd party on 29.12.99. The documents of said proceeding are relied. All other adverse contentions of workman are denied. It is reiterated that workman was engaged by contractor. He is not employed by IIInd party therefore workman is not entitled to relief claimed by him.

6. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

(i) Whether the action of

Manager, Ghorawari Colliery  
of WCL, Kanhan Area, PO  
Ghorawari, Distt. Chhindwara  
M.P. in not giving light job  
to Shri Md. Arif, S/o Sheikh  
Sharif, General Mazdoor is  
legal and justified?

In Affirmative

(ii) If not what relief the

workman is entitled to?"

Workman is not

entitled to relief  
claimed by him.

## REASONS

7. The terms of reference relates to denial of light job to workman by management of IIInd party whereas in statement of claim filed by workman, he is praying for reinstatement with backwages. Thus the claim of workman in statement of claim is beyond the terms of reference.

Documents produced by workman are admitted by IIInd party. Exhibit W-1 is application submitted by workman under Workman Compensation Act disclosing injuries to both of his legs. Opposite party No. 2 Gulmohd. 2 was engaged as petty contractor. Exhibit W-2 is copy of evidence of workman Kishnan *w.r.t.* injuries suffered by workman. Certified copy of statement of claim of workman admitted by IIInd party shows that workman was working with contractor. Exhibit W-3 is copy of evidence of Dr. Krishnan. Exhibit W-4, 5 is copy of statement of witness Shri B. Mallick recorded by Labour Court in Case No. 57/93. Copy of order passed by Labour Court Exhibit W-6 shows IIInd party was directed to deposit amount of Rs. 1,27,171/- . Documents Exhibit M-1 to M-7 are produced by management. It is clearly shows that workman was working with contractor Gulmohd.

8. The evidence of workman in his cross-examination shows that he filed application before Labour Court, Chhindwara under Workmen Compensation Act against management and Gul Mohd. His evidence was recorded in said proceeding. He claimed compensation for injuries suffered during employment. His claim for Rs. 1,29,000 was accepted by labour Court. He denies that WCL had never employed him.

9. Management submitted affidavit of witness Shri Shambhu Sharan Sinha supporting contentions for management that workman was engaged by contractor, he was not engaged by IIInd party. In his cross-examination, management's witness says on 2.6.92, Ist party workman fell from pole. He was admitted in Colliery Hospital. When treatment is provided to contractor's employees, the contractor has to pay the expenses or amount of expenses are deducted from his account. The award passed by Labour Court Chhindwara Exhibit M-1 is clear that workman was employee of contractor Gul Mohd. suffered injuries in accident. After Late Gulmohd contractor, IIInd party management was held responsible for payment of compensation. Ist party has suppressed said finding of Labour Court and claims that he was employee of IIInd party management. Therefore his evidence cannot be believed. As Ist party workman was engaged by contractor, there is no employer employee relationship between the parties. Claim of Ist party workman for reinstatement with back wages is beyond the terms of reference. It cannot be said legal. For above reasons, I record my finding in Point No. 1 in Affirmative.

10. In the result, award is passed as under:—

(1) The Whether the action of Manager, Ghorawari Colliery of WCL, Kanhan Area, PO Ghorawari, Distt, Chhindwara, MP in not giving light job to Shri Md. Arif, S/o Sheikh Sharif, General Mazdoor is legal and proper.

(2) Workman is not entitled to reinstatement.

R. B. PATLE, Presiding Officer

नई दिल्ली, 30 मार्च, 2015

**का.आ. 697.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एसईसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 128/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/03/2015 को प्राप्त हुआ था।

[सं. एल.-22012/153/2012-आई आर (सी.एम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2015

**S.O. 697.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 128/2012) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of SECL, H.Q. Sipat Road, Bilaspur, Kusmunda Area of SECL, Kusmunda, and their workmen, received by the Central Government on 30.03.2015.

[No. L-22012/153/2012-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/128/2012

General Secretary,  
Koyla Mazdoor Sabha (HMS),  
Qr. No. M/91, Vikas Nagar,  
Post Kusmunda,  
Distt. Korba (CG) ...Workman/Union

*Versus*

General Manager (P&A)  
SECL, HQ, Bilaspur,  
Chhattisgarh ...Management

#### AWARD

Passed on this 16th day of February, 2015

1. As per letter dated 16-11-2012 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22012/153/2012-IR (CM-II). The dispute under

reference relates to:

"Whether the action of the management of (i) The General Manager, Kusmunda Area of SECL Kusmunda, Distt. Korba (CG) and (ii) the General Manager (P&A), SECL HQ Bilaspur CG in not correcting the date of birth in service sheet in respect of Smt. Padma Bai, General Mazdoor Cat-II on the basis of the attestation Form & Pre-Metric Certificate as submitted at the time of appointment was legal, proper and justified? What relief the said workman is entitled to and from what date?"

2. After receiving reference, notices were issued to the parties. Ist party Union has submitted statement of claim at Page 1 to 5. It is submitted that date of workman Smt. Padma Bai was recorded 18-4-65. The Sr. Personnel Officer issued notice to Medical Officer wherein without competency her date of birth was mentioned as 4-7-1960. Ist party prayed correction of date of birth as 18-4-65.

3. Management of IIInd party filed Written Statement denying claim of workman. It is reiterated that workman has declared her date of birth 4-7-1960. It was recorded in the record. Appointment of workman on compassionate ground was approved by management on 18-3-96. The date of birth of workman was recorded 4-7-65.

4. Workman filed rejoinder reiterating her contentions in statement of claim.

5. When matter is fixed for admission/denial of documents, the parties settled the dispute out of court. Management's representative Shri P.V. Satyanarayan and Union Representative Shri Santosh are present and admits the contents of settlements. As dispute is settled out of court, it appears dispute seized to exist. As such No Dispute Award is passed in terms of settlement between parties.

R. B. PATLE, Presiding Officer

नई दिल्ली, 30 मार्च, 2015

**का.आ. 698.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एसईसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या 131/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/03/2015 को प्राप्त हुआ था।

[सं. एल. - 22012/533/1999-आई.आर.(सी.एम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2015

**S.O. 698.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 131/2000) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as

shown in the Annexure, in the industrial dispute between the management of Sohagpur Area of SECL, and their workmen, received by the Central Government on 30.03.2015.

[No. L-22012/533/1999-IR(CM-II)]  
Md. ZAHID SHARIF, Section Office

#### ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**

NO.CGIT/LC/R/131/00

Vice President,

M.P. Koyla Shramik Sangh (CITU),  
Rajendra Project Branch,  
PO Khera,  
Shahdol (MP) ...Workman/Union

*Versus*

General Manager  
Sohagpur Area of SECL,  
PO Dhanpuri,  
Distt. Shahdol (MP) ...Management

#### AWARD

Passed on this 28th day of January, 2015

1. As per letter dated 6-7-00 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22012/533/99-IR (CM-II). The dispute under reference relates to:

"Whether the action of the General Manager, Sohagpur Area of SECL, PO Dhanpuri, Distt. Shahdol (MP) in not making the pay difference of wages in respect of Grade-II to Shri Laxpati Tripathi is legal and justified? if not, to what relief the workman is entitled?"

2. After receiving reference, notices issued to the parties. Statement of claim is submitted by vice President of MP Koyla Shramik Sangh. Case of Union is workman Laxpati Tripathi was regularized on 24-4-95 on post of Clerk Grade III as per award by this Tribunal. That at the time of said award, NCWA-IV was in operation in SECL. Pay Scale Rs. 1595-37-1613 was applicable to post of Clerk Grade-III. At the time of his regularization, workman was assigned work of magazine incharge in Rajendra Colliery underground. Workman was continuously performing the duty of magazine incharge with honesty and devotion. Work of magazine incharge was extracted from him by management but he was not paid its salary. The post of magazine incharge is equivalent to post of Clerk Grade II.

The representation submitted by workman and Union to regularize him on the post of magazine was not accepted by management. The dispute has been raised. It is submitted that action of the management is arbitrary. It amounts to unfair labour practice. It is also in violation of principles of natural justice. On such ground, Union is praying for regularization of Ist party workman on post of magazine incharge.

3. IIInd party filed Written Statement at Page 7/1 to 7/2 denying claim of workman. IIInd party submits that it is incorporated under Section 6/7 of Company's Act. SECL has operating many collieries in Chhattisgarh and MP. For smooth functioning of the work, 12 area offices are set up by the company. Each area has been divided in further sub areas/collieries. IIInd party denies that workman is posted as Magazine incharge. As per IIInd party, he was posted as Magazine clerk for job of clerical nature along with other clerks. The work performed by him is different since qualification of workman does not give him right to the post of magazine incharge. He was not engaged as Magazine Incharge neither he was authorized by management to work as such. Claim of workman is baseless. On such ground, IIInd party prays that claim of workman cannot be accepted.

4. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

(i) Whether the action of the General Manager, Sohagpur Area of SECL, PO Dhanpuri, Distt. Shahdol (MP) in not making the pay difference of wages in respect of Grade-II to Shri Laxpati Tripathi is legal and justified?	In Affirmative
(ii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

#### REASONS

5. Though workman has raised dispute for regularization on the post of magazine incharge, he failed to properly participate in reference proceedings. No evidence is adduced by workman in support of his claim. His evidence is closed on 26-4-2010.

6. Management filed affidavit of witness Shri V. Abraham and Shri S.P. Patnaik supporting contentions of IIInd party. Both witnesses of management are not cross-examined by Ist party workman. Their evidence remained unchallenged. The claim of Ist party is not supported by any kind of evidence for regularization of workman on the post of Magazine Incharge. Therefore I record my finding in Point No. 1 in Affirmative.

7. In the result, award is passed as under:—

- (1) The action of the General Manager, Sohagpur Area of SECL, PO Dhanpuri, Distt. Shahdol (MP) in not making the pay difference of wages in respect of Grade-II to Shri Laxpati Tripathi is proper and legal.
- (2) Workman is not entitled to any relief.

R.B. PATLE, Presiding Officer

नई दिल्ली, 30 मार्च, 2015

का.आ. 699.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एसईसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 158/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30.03.2015 को प्राप्त हुआ था।

[सं. एल. - 22012/117/2002-आई आर (सीएम.-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2015

**S.O. 699.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 158/02) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of SECL, and their workmen, received by the Central Government on 30.3.2015.

[No. L-22012/117/2002-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/158/02

The Secretary,  
MP. Koyal Mazdoor Sabha (HMS),  
Sohagpur Branch,  
PO Dhanpuri,  
Shahdol

...Workman/Union

*Versus*

Chief General Manager  
Sohagpur Area of SECL  
PO Dhanpuri,  
Distt. Shahdol

...Management

#### AWARD

Passed on this 28th day of January, 2015

1. As per letter dated 28-11-02 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22012/117/2002-IR (CM-II). The dispute under reference relates to:

"Whether the demand of the M.P. Koyal Mazdoor Sabha from the management Sohagpur Area of SECL for promoting Shri Revendra Singh to the post of Driver from 1990 is legal and justified? If so, to what relief is the workman entitled?"

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Pages 2/1 to 2/3. Case of workman is that he was appointed as Tub Loader on 13-8-80. He was working on said post. In the year 1990, workman was asked to work as Driver. He was continuously working as Driver. On 22-8-95, he was promoted in Cat-II as Driver. The case of workman was that he was continuously working as Driver since 1990. He claimed promotion to Cat-I from day of his working in 1990. The management did not allow his claim. The dispute was raised by him had been referred for adjudication.

3. Workman further submits that he was asked to work as Driver in National programme at Budhar in the year 1992. Certificate was issued by Tehsildar. He was working as Driver at Vehicle No. MBA 4029. While going to Village Khannodhi, said vehicle met with accident. The claim was filed against IIInd party. In Written Statement filed in said matter, the fact was admitted that workman was driving vehicle. That he was transferred as Driver from Chachai to Area of Timber Sale of Sohagpur Area. In 1991. Prior to accident, Vehcile No. MBA 4029 was driven by him therefore he acquired status of driving and deserves to be classified as such. Workman further submits that promotion to the post Cat-II was accepted from the year 1995. For the period of 4 years, he received payment as tub loader though he was working as Driver. That he worked continuously against permanent vacant post for period six months. He deserves to be classified as Driver since 4-5 years prior to his promotion. Action of the management is unfair on depriving is salary for driver. Accordingly, he has paid for proper reliefs.

4. IIInd party filed Written Statement at Pages 6/1 to 6/6. Claim of Ist party workman is opposed. IIInd party submits that workman was initially appointed as tub loader. He was given promotion time-to-time. Present he is working as Driver Cat-IV. Workman claims said post from year 1990. The dispute is raised after lapse of 11 years is not maintainable for inordinate delay. Ratio held in different cases is relied. IIInd party further submits that workman is claiming promotion by raising dispute. The promotion is given subject to various recommendations of DPC

considering availability of sanctioned post, administrative requirements. Merely eligibility of employee for promotion does not give him right to the promotional post.

5. It is further submitted that IIInd party is registered under Company's Act having subsidiary officers at various places. Service conditions of employees of IIInd party are covered by settlement called as NCWA. The promotional channel of the department are covered by cadre Scheme. As per Scheme, post are Lorry Cleaner, Driver Trainee and Driver. The educational qualification is required 7th, 8th and requiring driving licence of heavy vehicle on recommendation of DPC. Earlier the dispute was settled on 8-7-91. In pursuance to said settlement, the workman working at Chachai underground mines are released to Timber Sale Sohagpur Area as Truck Helper/Lorry Cleaner. His seniority was from date of his transfer to timber sale *i.e.* from 13-7-91. As per cadre Scheme, workman was promoted as Trainee Driver Cat-II. All adverse allegations of workman are denied. From trainee Category II, workman was promoted to Driver Cat-V *w.e.f.* 22-8-95 as per order dated 6-1-96. In pursuance of I.I.No. 11 issued by Member Secretary of JBCCI further instruction No. 12 was issued on 8-3-01. As per notesheet dated 12-2-04, workman along with others remaining in same grade for 7-8 years were upgraded to Driver Cat-VI from 1-1-04. Above contentions are reiterated by IIInd party and submit that workman is claiming time bound promotion on his own accord, giving promotion is managerial function. As per norms of cadre Scheme, recommendation by DPC, workman is not entitled to any relief.

6. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

(i) Whether the demand of the M.P. Koyala Mazdoor Sabha from the management Sohagpur Area of SECL for promoting Shri Ravendra Singh to the post of Driver from 1990 is legal and justified?

(ii) If not, what relief the workman is entitled to?"

Workman is not entitled to any relief.

### REASONS

7. Workman fully aggrieved by denial of promotion to the post of Driver Cat-VI in 1990 raised the dispute. IIInd party has opposed relief claimed by workman. Workman has failed affidavit of his evidence stating that he was continuously working as Driver from 1990. Prior to it, he was working as Tub Loader since 30-8-90. He was promoted as Driver Cat-VI *w.e.f.* 22-8-95. Documents are produced in

support of his claim. Exhibit W-2 is copy of failure report submitted to Government by ALC. Exhibit M-1 is copy of cadre Scheme produced by management. The cadre Scheme provides promotions of Lorry cleaner/helper. The post of lorry cleaner is shown Cat-II, Driver Trainee-qualifications required 8th standard. The mode of promotion is Trade, DPC. In the year 1990, workman was not recommended by DPC for promotion as Driver. Exhibit M-2 is the order of appointment of Ist party workman as under ground Badli Tub Loader. Exhibit M-3 shows workman had agreed to work in Cat-II as Truck Helper on transfer to Area Timber Call, Sohagpur Area. His seniority was to be counted from date of his transfer. Workman relied on order dated 13-7-91. Exhibit M-4 release order for his promotion to the post of Driver from 1990. The document M-4 does not support his claim. Workman had agreed to work as Truck Helper Cat-II. Exhibit M-5 shows on recommendation of DPC, workman was appointed as Driver Trainee on 22-8-94. Said post is shown in Cat-II. Exhibit 5/A order dated 5-1-96 workman was promoted to Driver Cat-V. Exhibit 5/B shows workman was promoted as Driver Cat BI from 1-1-04. Workman in his cross-examination says he does not know English. Affidavit of his evidence was submitted in Hindi.

8. Management's witness Shri S.P. Patnaik in his affidavit of evidence supported contentions of management. Promotions as per cadre Scheme is narrated. The promotions given to workman time-to-time are stated by the management's witness. In his cross-examination, management's witness says workman was transferred as per order Exhibit M-6 in the post of Timberman to Truck Helper Category-II. In 2004, he was promoted to the post of Driver Trainee. The channel of promotion is helper to Driver subject to vacancy and helping driving licence. Management's witness denies that workman is entitled to promotion *w.e.f.* 1990 instead of his promotion in 1995. The Claim of workman is not supported by any rules. Merely working as Driver holding licence cannot give right of promotion to the workman. Name of workman was not recommended for promotion to the post of Driver in 1990 by DPC therefore, I do not find substance in demand submitted by Union. For above reasons, I record Point No. 1 in Negative.

9. In the result, award is passed as under:—

(1) The demand of the M.P. Koyala Mazdoor Sabha from the management Sohagpur Area of SECL for promoting Shri Ravendra Singh to the post of Driver from 1990 is not legal and proper.

(2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 30 मार्च, 2015

का.आ. 700.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.आई. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 173/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.3.2015 को प्राप्त हुआ था।

[सं. एल.-22012/276/2002-आई आर (सीएम.-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2015

**S.O.700.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 173/03) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Food Corporation of India, and their workmen, which was received by the Central Government on 30.3.2015.

[No. L-22012/276/2002-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/173/03

The Unit Secretary,  
FCI Employees Association,  
C/o Food Corporation of India,  
Old Vidhan Sabha Complex,  
Bhopal. ...Workman/Union

*Versus*

District Manager,  
Food Corporation of India,  
District Office,  
Old Vidhan Sabha Complex, Bhopal ...Management

#### AWARD

Passed on this 26th day of November, 2014

1. As per letter dated 22-10-2003 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22012/276/2002-IR (CM-II). The dispute under reference relates to:

"Whether the action of the management of Food Corporation of India, Bhopal in not paying the

overtime in respect of Class III & IV employees from October 2000 to March 2001 after taking work beyond the working hours is legal and justified? If not, to what relief the workmen are entitled?"

2. After receiving reference, notices were issued to the parties. On behalf of Ist party Unit Secretary, Shri R.S. Sharma of BKMS submitted statement of claim at pages 4/1 to 4/2. The case of Ist party Union is that District Manager, FCI Bhopal has not paid overtime wages from October 2000 to March 01 of its employees after sanctioning the same, list is annexed calculating amount of R.s 7,30,151/-, said amount is unpaid. The claim of Ist party is based on documentary evidence available with management. The work was carried out by workman beyond duty hours by watch and ward staff. An per existing procedure of the corporation, the claim so preferred by the employees on completion of each month from October 2000 to March 01 was verified and recommended by the immediate office to the sanctioning authority. District Manager sanctioned same but said amount was not paid. Ist party Union is praying for payment of said amount with penal interest and cost of Rs. 10,000/-.

3. IIInd party filed Written Statement at Pages 6/1 to 6/6. Claim of Union for recovery of overtime wages is denied. It is submitted that as per Notification dated 24-11-1972 of MP Govt., the offices of FCI allocated in MP are exempted from operations of the M.P. Shop and Establishment Act, 1958. As per rules, FCI is making payment of overtime to its employees at the single rate of their original rate of wages. That under Section-3 of MP Shops and Establishment Act, 1958, when provisions are not applicable to certain persons according to said provisions. The employees working inherent intermittent such as drivers, watchman etc. The provisions of MP Shop and Establishment Act are not applicable.

4. IIInd party further submits that the reference is vague. It is made without applying mind considering the notification issued by State of MP under Shop and Establishment Act. It is prayed that reference is answered in Negative. IIInd party did not dispute employees working in FCI. The dispute was referred after failure report submitted by Government. It is reiterated that as per Circular dated 15-7-98 issued by FCI Hqrs. maximum limit of overtime allowance is 1/3rd of the wages during month. Therefore employees are not entitled to unpaid wages. There is no question of paying amount of Rs. 7,30,151 claimed by Union. That certificate issued by Hqrs. dated 15-7-98 and Notification issued by MP State are pure questions of law. It is reiterated that in view of circular and Notification issued by MP Govt. employees are not entitled to unpaid wages claimed by Union.

In Para-10 of the reply IIInd party submits that Chhola Depot of FCI had prepared and send overtime allowance to District Office, Bhopal for its payment. Taking into

consideration circular dated 15-3-98, the employees were permitted to overtime to the extent of 1/3rd of wages during the month and 1/3rd overtime payment have already been paid to the concerned employees. Employees are not entitled to overtime allowance beyond the ceiling limit. On such ground, IIInd party prays for rejection of claim. IIInd party also submitted list of employees with amount of unpaid wages.

5. Ist party Union submitted rejoinder at pages 7/1 to 7/2. That non-payment of overtime allowance from October, 2000 to March 01 for actual hours worked. Management in pursuance of Circular dated 15-3-88 is restricted to overtime allowances above ceiling of 1/3rd that Non-applicant placed blind reliance on department Circular dated 15-7-88 and notification issued by MP State Govt.

6. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

“(i) Whether the action of the management of Food Corporation of India, Bhopal in not paying the overtime in respect of Class III & IV employees from October 2000 to March 2001 after taking work beyond the working hours is legal and justified? If not, to what relief the workmen are entitled?”	In Negative
(ii) If not, what relief the workman is entitled to?”	As per final orders.

### REASONS

7. Present proceeding relates to non-payment of overtime wages Rs. 7,30,151/- by IIInd party. IIInd party is not denying that overtime wages claimed by Union is for the work of employees beyond normal working hours. Union Secretary Shri R.S. Sharma filed affidavit of evidence supporting claim of Union. In his cross-examination, witness of Union denies that the circulars at Pages 6/7 to 6/10 are applicable to them. That the circular applies to the Watchman. He claims ignorance whether FCI Office Establishment was exempted under Shop and Establishment Act. In his further cross-examination, the witness says overtime wages are paid at hourly rate and not single time rate. The management's witness Shri Jagdish Prasad in his affidavit of evidence has stated that the FCI Establishment are exempted from provisions of MP Shops and Establishment Act. That Circular was issued on 24-11-72. The witness of management was not cross-examined. Other witness of management in his affidavit of evidence has stated about Notification issued by State of MP under

Shop and Establishment Act. The FCI Establishment are exempted. Union Representative remained absent and not cross-examined. Evidence of management's witness remained unchallenged.

8. Union Representative remained absent on several dates. No argument are advanced. Counsel for management Shri Pandy submitted notes of argument supporting contentions in Written Statement. Written Statement submitted by IIInd party did not dispute the employees had performed overtime work and amount of Rs. 7,30,151/- was recommended by office to the Sanctioning Authority, the amount was sanctioned but same was not paid only for the reasons that overtime allowance was exceeding 1/3rd ceiling limit. The exemption of FCI Unit from provisions of Shops and Establishment Act can hardly take away right of employees for overtime wages to which they are entitled under Section 59 of Factories Act.

9. The statutory right of workman for overtime wages cannot be taken away by management issuing circular No. 2698 are produced. Said circular can very well followed by management while providing overtime work but once work is performed by employee, payment of overtime wages could not be taken away. IIInd party has also produced statement of paid, unpaid overtime wages at R-3. Amount of Rs. 7,30,151/- unpaid was forwarded for payment to the sanctioning authority. As per pleading of IIInd party, it is clear that payment of said amount was sent but only because of circular issued by FCI, the amount was not paid. The action of management of IIInd party cannot be said proper and legal. When employees are working, they have right for payment of wages. For above reasons, I record my finding in Point No. 1 in Negative.

10. In the result, award is passed as under:—

- (i) The action of the management of Food Corporation of India, Bhopal in not paying the overtime in respect of Class III & IV employees from October 2000 to March 2001 after taking work beyond the working hours is not legal.
- (ii) IIInd party is directed to pay overtime wages Rs. 7,30,151/- to the employees as shown in Annexure-II. Annexure-II shall form part of award.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9% interest per annum from the date of award till its realization.

R. B. PATLE, Presiding Officer

नई दिल्ली, 30 मार्च, 2015

का.आ. 701.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध

में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 187/96) को प्रकाशित करती है जो केन्द्रीय सरकार को 30/03/2015 को प्राप्त हुआ था।

[सं. एल.-22012/576/1995-आई आर. (सी-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2015

**S.O. 701.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 187/96) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Rajnagar Area of SECL, and their workmen, received by the Central Government on 30.03.2015.

[No. L-22012/576/1995-IR(C-II)]

Md. ZAHID SHARIF, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/187/96

Vice President,  
Samyukta Khadan Mazdoor Sangh (AITUC),  
Near Panchayati Mandir,  
Shahdol (MP) ...Workman/Union

*Versus*

Sub Area Manager,  
Rajnagar RO of SECL,  
Post Rajnagar Factory,  
Distt. Shahdol (MP) ...Management

#### AWARD

Passed on this 29th day of January, 2015

1. As per letter dated 26-9-96 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22012/576/95-IR (C-II). The dispute under reference relates to:

"Whether the action of the management of Rajnagar RO of SECL Hasdeo Area in dismissing Shri Ishwardeen S/o Sitaram, Expl. Carrier, Rajnagar Colliery from company services *w.e.f.* 13-4-95 is legal and justified? If not, what relief the workman concerned is entitled to?"

2. After receiving reference, notices were issued to the parties. Ist party Union submitted statement of claim. Case of Union is that workman Ishwardeen was appointed as General Mazdoor on 26-4-84. In due course, he acquired permanent status as per standing orders. He was promoted to the post of exclusive career. The service record was

good. On 23-12-94, chargesheet was issued to Ishwardeen alleging misconduct under Clause 26.9. the allegations against him were of giving false information regarding his name, age, father's name, qualification for securing employment. Workman had replied to chargesheet denying the allegations. However assuming his explanation, Enquiry Officer was appointed to Shri R.N. Das and B.N. Tripathi as Enquiry Officer. Workman had proposed name of Union leader as his co-worker. Said letter was not replied.

3. It is further submitted that Ishwardeen and his elder brother were called by personal Manager, Rajnagar on 19-2-95. The management's representative in presence of Enquiry Officer threatened them that management was determined to send them behind bar. They were dictated their statements by Pandey and forced them to sign the statements. It is further submitted that incident was reported to police with approval of Competent Authority relating to the same matter. Ishwardeen was arrested. he was released on bail under offence under Section 419, 420 IPC. The dispute was raised on submission of failure report.

4. Union submits that the punishment of dismissal imposed against workman is based on forced statement obtained from workman. The charges against workman are not substantiated in enquiry. Enquiry was not conducted fairly. Principles of natural justice were not followed. During pendency of criminal case, enquiry was completed. Workman suffered prejudice for defence in criminal case. The charges alleged against workman were vague. Co-worker was not available to the workman. That misconduct are not proved from the evidence. On such ground, Union prays for setting aside order of dismissal and prays for reinstatement of workman with back wages.

5. IIInd party submitted Written Statement at Page 6/1 to 6/5. IIInd party submits that Ishwardeen was appointed as casual labour as per order dated 24-4-84. He was also promoted as exclusive career from 1-1-88. The written complaint was received from villagers on 8-9-94 to Collector, Shahdol and Suptd. of Police, SDO, Sub Area Manager, Dy. General Manager etc. That Ishwardeen obtained employment giving false information. His name was Ramanand S/o Sitaram. Ishwardeen was his elder brother. Preliminary enquiry was made confidentially calling information from Sarpanch of Gram Panchayat, Revandra, Distt. Shahdol and other authorities. Information was called from Primary School. The date of birth of Ishwardeen was informed 1-6-67 and date of birth of Ramadeen 1-6-69. It is submitted that chargesheet was issued to workman. Enquiry Officer was appointed. Enquiry Officer Shri N.R. Das conducted enquiry giving full opportunity for defence of workman. Enquiry Officer submitted his report that charges were proved. Considering findings of Enquiry Officer in light of admissions of work, Disciplinary Authority aggrieved with those findings considering gravity of misconduct, punishment of dismissal was imposed. The dismissal of workman is legal.

6. IIInd party workman submitted rejoinder at Page 7/1 to 7/3 reiterating his contentious in statement of claim.

7. As per order dated 10-7-13, enquiry against workman was found legal. Considering pleadings and findings of preliminary issue, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

(i) Whether the misconduct alleged against workman are proved from evidence in Enquiry Proceedings?	In Affirmative
(ii) Whether the punishment of removal from service imposed against workman is proper and legal?	In Affirmative
(iii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

### REASONS

8. Enquiry conducted against workman is found proper and legal. For deciding the point whether misconduct alleged against workman are proved from evidence in Enquiry Proceedings, the evidence in Enquiry Proceedings needs to be considered. At the time of hearing, learned counsel for workman Shri R.C. Shrivastava submits that Enquiry Officer did not record statements of any witnesses. There is no evidence to prove misconduct alleged against workman. Learned counsel for management Shri A.K. Shashi draw my attention to the chargesheet issued to workman. The record of Enquiry Proceedings is filed. The charges relates to workman Ishwardeen secured employment in IIInd party in false name Ishwardeen S/o Sitaram whereas his correct name was Ramanand, S/o Sitaram. Workman fraudulently misused employment registration No. 3307/79 which was issued in favour of Ishwardeen S/o Sitaram, his elder brother. Workman joined accepting the appointment letter suppressing the fact that he was not Ishwardeen. That from record, it was observed that his date of birth was recorded 25-4-64 in the list of Employment Exchange. The date of birth of Ishwardeen was shown 23-7-63. The last charge was Ishwardeen S/o Sitaram joined on transfer from Bijuri and posted as Raj Incline 7/8 from same village and family. This shows that the workman played mischief with management of SECL inducting himself in employment on false ground. Shri Shashi also pointed out my attention to the reply submitted by workman at Page 3 of record of enquiry. He had stated that he got employment in name of his elder brother Ishwardeen S/o Sitaram. His correct name was Ramanand. He requested that whatever action was to be taken should be taken against him. His elder brother

who is already in employment was innocent. Management's representative also disclosed same facts in Enquiry proceedings dated 19-2-95. When workman has admitted his charge/misconduct against him, submission by Shri R. C. Shrivastava that there is no evidence to establish the charges cannot be accepted. Enquiry conducted against workman is found legal and proper therefore I find no reason to disbelieve admission of charge by workman in reply to the chargesheet.

9. Learned counsel for IIInd party Shri A.K. Shashi relies on ratio held in case of Chairman Cum Managing Director, Coal India Ltd. *versus* Mukul Kumar Choudhuri reported in AIR 2010-SC-75. Their Lordship held delinquent admitting charges in DE conclusion arrived at by Inquiry Officer about proof of charges. Absence of any procedural illegality or irregularity in conduct of departmental enquiry. It has to be held that charges against delinquent stood proved and warranted no interference.

10. Shri A.K. Shashi also relies on ratio held in Case of Vivekanand Sethi *versus* Chairman, J & K Bank Ltd. and others reported in 2005(5) SCC 337. Their Lordship held term governing abandonment of service/voluntary retirement in settlement arrived at between group of employers and employees in a particular industry. The settlement being an admitted document should have been considered in its proper perspective by the Tribunal.

“The ratio held in the case also deals with application for medical leave without medical certificate. In para-22, their Lordship held the principles of natural justice are required to be complied with having regard to the fact situation obtaining therein. It cannot be applied in a vacuum without reference to the relevant facts and circumstances of the case. Principles of natural justice is, it is trite is no unruly horse. When facts are admitted, an enquiry would be an empty formality.”

When workman has admitted charge against him that he secured employment in name of his elder brother, it is surprising to say that enquiry was formality. The charges against workman are proved.

11. While deciding Issue No. 1, the admissions of charges by delinquent were considered. It was further submitted that Enquiry Officer did not discuss other evidence. In evidence when workman himself has admitted charges in reply the chargesheet, it is sufficient to hold that charges are proved. For above reasons, I record my finding in Point No. 1 in Affirmative.

12. Point No. 2, 3 punishment of removal is imposed against workman. The charges are proved against workman as per his admissions that workman had secured employment in name of elder brother Ishwardeen is very

serious. The punishment of removal therefore cannot be said excessive or exorbitant. No interference in punishment is called for. I record my finding in Point No. 2 in Affirmative.

13. In the result, award is passed as under:—

- (1) The action of the management of Rajnagar RO of SECL Hasdeo Area in dismissing Shri Ishwardeen S/o Sitaram, Expl. Carrier, Rajnagar Colliery from company services *w.e.f.* 13-4-95 is legal and proper.
- (2) Workman is not entitled to any relief.

R.B. PATLE, Presiding Officer

नई दिल्ली, 30 मार्च, 2015

का.आ. 702.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यूसीएल के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 192/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30.03.2015 को प्राप्त हआ था।

[सं. एल-22012/300/1991-आई आर (सी-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2015

**S.O. 702.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 192/91) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Western Coalfield Limited, and their workmen, received by the Central Government on 30.03.2015.

[No. L-22012/300/1991-IR(C-II)]

Md. ZAHID SHARIF, Section Officer

## ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**

NO. CGIT/LC/R/192/91

Presiding Officer: SHRI R.B. PATLE

The Secretary,  
SKMS (AITUC),  
Chandametta,

Post Chandametta,  
Distt. Chhindwara ...Workman/Union

## Versus

Manager,  
Bhamori Colliery,  
Post Bhamori,  
Distt. Chhindwara

## AWARD

Passed on this 24th day of September, 2014

1. As per letter dated 16/21-10-91 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22012/300/91-IR(C-II). The dispute under reference relates to:

"Whether the action of the Superintendent (Mines)/ Manager, Bhamori Coliery of WCL, Pench Area, PO Parasia, Distt. Chhindwara (MP) in chargesheeting Shri Omprakash Dubey, Mining Sirdar, Bhamori Colliery for unauthorized absence from 2-4-87 on 17-6-87 starting the enquiry against him and then during the course of pending enquiry not taking him on duty *w.e.f.* 17-6-87 onwards nor communicating the result of enquiry and in between transferring him from Bhamori colliery to saoner project, Nagpur area *w.e.f.* 1-11-87 is justified and legal.? If not, to what relief the workman is entitled to?"

2. After receiving reference, notices were issued to the parties, 1st party workman submitted statement of claim at Page 5/1 to 5/9. Case of workman is that he was working on post of Mining Sirdar, Bhamori colliery of WCL, Distt. Chhindwara. He rendered continuous service with devotion. 1st party workman was elected as President of RKKMS Union Branch Bhamori during 1984-85. Being President of said Union, workman was required to raise demands with management for welfare and better service conditions of employees. That Manager Shri A.K. Das was annoyed from workman as he raised grievance of workman before higher authorities. It is alleged that workman was implicated for false charges issuing chargesheet for unauthorised absence. Workman filed reply to the chargesheet contending that he was on duty between 2-4-87 to 17-6-87. Workman called documents Form C register. Manager was annoyed by it. It is reiterated that workman was on duty. However he was falsely shown absent from duty at instance of Manager Shri A.K. Das.

3. Management decided to hold enquiry appointing Presenting Officer Shri Karkata as Enquiry Officer. On his transfer, Dy. Personnel Manager Mr. D. Mewar was appointed as Enquiry Officer. Despite of repeated applications by workman for supply of copy, the documents were not supplied to him. Request of workman to engage lower for his defence was rejected. Enquiry Officer was biased. He was violating principles of natural justice. Co-worker of Lochan Prasad was threatened by Enquiry officer if he present in enquiry, he will face dire consequences.

4. Application by workman to engage General Secretary Shri P.K. Bannerjee as his co-worker was turned down. Workman was denied opportunity for his defence. Documents were not supplied. That false reports were

submitted against workman to police. Police officer forced him to give letter about his willingness for transfer. Workman was transferred from Bhamori Colliery to Saoner Project, Nagpur Area. Workman had complained to the higher authorities about forcibly obtaining his signatures under coercion by police. After his transfer, workman had submitted joining at saoner project, he was told that when the documents are not received, workman was not allowed to join duty. The findings of Enquiry Offices were not informed to him. Workman submits that enquiry is vitiated. That the acts of management are illegal by way of victimization. Workman prays for his reinstatement with full back wages.

5. IIInd party filed Written Statement at page 12/1 to 12/3. Terms of reference are clarified (1) for justification of chargesheet issued to workman for unauthorised absence, (2) not taking workman on duty from 7-6-87, (3) transfer workman from Bhamori Colliery to Saoner Project. According to IIInd party, reference is illegal. It is made contrary to the facts and circumstances of the case. That workman was working as Mining Sirdar in Bhamori Colliery. For his unauthorized absence from 2-4-87 to 17-6-87, chargesheet was issued to him. Shri Karkata was appointed as Enquiry Officer. On his transfer, Dy. Personnel Manager Mr. D. Mewar was appointed as Enquiry Officer. Before completion of enquiry, workman was transferred to saoner project. Therefore enquiry could not be completed. During pendency of enquiry, workman was not suspended. However workman did not perform his duties. It is reiterated that workman was not suspended pending enquiry. The chargesheet was forged by workman adding the word suspended. Workman is not entitled to relief claimed by him. It is submitted that workman was known anti-social element. Various complaints and cases were registered against him proceedings was initiated by police authorities apprehending those proceedings. Workman has applied for transfer to saoner project. His transfer was also recommended by DSP Parasia considering the transfer of workman in public interest, he was transferred to saoner project by order dated 1-9-87. He was relieved on 1-11-1987. IIInd party submits that there is no merit in reference and prays for its rejection.

6. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

(i) Whether the action of the Superintendent (Mines)/ Manager, Bhamori Colliery of WCL, Pench Area, PO Parasia, Distt. Chhindwara (MP) in chargesheeting Shri Omprakash Dubey, Mining Sirdar, Bhamori Colliery for unauthorised absence from

In Affirmative

2-4-87 on 17-6-87 starting the enquiry against him is legal?

(ii) Whether the action of the Superintendent (Mines)/ Manager, Bhamori Colliery of WCL, Pench Area, PO Parasia, Distt. Chhindwara (MP) in not taking him on duty *w.e.f.* 17-6-87 onwards pending enquiry nor communicating the result of enquiry and in between transferring him from Bhamori Colliery to saoner project, Nagpur area *w.e.f.* 1-11-87 is justified

(iii) If so, to what relief the workman is entitled to?"

As per final order

#### REASONS

7. The terms of reference is relating to termination of workman from service rather terms of reference clearly relates to issuing chargesheet to workman for unauthorised absence, during pendency of enquiry transferring workman to Saoner Project and not allowing him on duty. Workman filed affidavit of his evidence. Workman in his affidavit says about chargesheet issued to him for unauthorised absence. Appointment of Enquiry Officer, document Form B Register was not supplied to him on his application neither said document was called by Enquiry Officer. His request for engaging Shri P.K. Bannerjee as co-worker was rejected. He was not permitted to engage legal practitioner for his defence. That he was suspended from 17-6-87. He was not paid subsistence allowance during suspension period is illegal. In his cross-examination, workman says he was working in colliery from 1973. That he was under suspension when his evidence was recorded. He had received suspension letter. In 1987, Shri A.K. Das was the Manager. There are higher authorities like General Manager. In 1987, he had no quarrel on dispute with Shri A.K. Das. out of revenge, previously he was suspended by Manager. The workman claimed ignorance in how many copy chargesheet was issued. He has received one copy of chargesheet. He claims to be on duty during 2-4-87 to 16-6-87. He was not paid wages of said period despite of application in writing submitted by him. In his further cross-examination workman say he had not received chargesheet, he denied to have received document 17/2. Suspension was written in the chargesheet and not by separate order. He had submitted reply to the chargesheet. He claims ignorance about his transfer was on his requested letter.

8. In his further cross-examination, workman says after his transfer to Saoner project, he had submitted joining report. He was told by concerned officers that documents about his transfer were not received and he was not allowed to join duties. I will deal with evidence of other witnesses at later stage. Document Exhibit W-8 produced by workman himself and admitted by the management shows that workman had requested for his transfer to Saoner project. The evidence of workman is contrary to said document and therefore cannot be relied. Document Exhibit W-1 is reply to chargesheet. Workman has denied he was absent from 2-4-87. Reply is absolutely silent about his suspension from duty. Exhibit W-2, W-3 are intimations given to workman about enquiry proceedings. W-4 workman was allowed co-worker Lochan Prasad. W-5 workman requested legal practitioner for his defence. Document Exhibit W-6 request of workman for engaging legal practitioner for his defence was rejected. Exhibit W-7 request of workman to engage co-worker Shri P.K. Bannerjee was rejected. The findings of Enquiry officer are not submitted, any punishment is not imposed against workman. The contentions of workman and his evidence about illegality in conducting enquiry therefore is of no consequence.

9. The workman submits that he was suspended and not allowed on duty as per evidence the workman, suspension was shown in chargesheet itself. Document Page 9/2 is produced. Said document is not proved by workman. Copy of the chargesheet issued to workman finds reference about his suspension from 17-6-87 till further orders. The witness of workman Shri Shekhar Chepi in his affidavit says that in 1987, he was working in colliery hospital. Chargesheet of Shri Om Prakash Dubey S/o Ramlal Dubey Mining Sirdar was received in the hospital. The chargesheet was also indicating suspension of Shri Om Prakash Dubey from 17-6-87. Copy of chargesheet at Page 27/2 is produced. It contains order of suspension of workman from 17-6-87 till further orders. Witness has not proved said document. His evidence is silent how he received copy of chargesheet. Workman was working as Mining Sirdar underground. The evidence of above witness is not explaining the source of receiving copy of chargesheet by him. His evidence cannot be relied. In his cross-examination, chargesheet issued to workman on 17-6-87, his affidavit was prepared in 1999, he was recollecting dates. That he had not seen chargesheet issued to workman neither readover chargesheet issued to workman. The evidence of other witnesses of workman Shri Kuddus Khan, Hafiz Khan, Ashok Kumar, Mansukhlal, Hamid Khan, Guru Prasad Bharav, Hasan Khan, Pannalal Ravtel is devoted that Shri A. K. Das had directed for not taking attendance of workman in muster roll. In his cross-examination, Kuddus Khan says he was not taking entries in Attendance Register, only he was dealing with leave register. He was working with Shri A. K. Das for about 10 years. He was not happy with

working of Shri A. K. Das. That he wrongly filled leave register of workman. Hafiz Khan in his cross-examination says he could not tell from his memory about stopping attendance of any employee in 1987. Manager had given directions to Token clerk to stop attendance of Shri A. K. Dubey, he was suspended on 17-6-87. Workman was on duty during 17-1-87 to 17-6-87. He has seen suspension order whereas workman in his evidence says no separate suspension order was issued, the suspension order was mentioned in chargesheet itself therefore evidence of witness cannot be relied. Shri Hamid Khan in his cross-examination says that workman had not dispute with Shri A. K. Das. The evidence of those witnesses is not consistent and could hardly be considered about attendance of workman on duty or about order of his suspension. The primary evidence is about attendance of workman his attendance register itself. It appears that workman being President of Union witnesses are supporting his cause. All those witnesses have come forward to support name of workman. In the document produced by management Exhibit M-13, there is no reference of suspension of workman. Said document is proved from evidence of management witness. In his cross-examination, no question is asked to said witness about suspension in document. Management witness Hargovind says carbon copy of chargesheet produced by him was received from custody of Sub Area Manager in each area which bears signature of Shri A. K. Das. In his cross-examination, witness says after enquiry initiated against workman, he was transferred on 1-11-87. He claims ignorance about request application received from workman to the management. That chargesheet was prepared from his section. The chargesheet was given to workman. One set of chargesheet was prepared. He claims ignorance whether workman was transferred under pressure of police. Document Page 9/2, 27/2 chargesheet is not proved whereas copy of chargesheet Exhibit M-13 is proved by management's witness. His evidence is not shattered about the absence of suspension of workman in said document. In view of document Exhibit W-10 application given by workman requesting for his transfer to Bhamori, it is admitted by management. The transfer of workman cannot be said illegal.

10. The enquiry was not completed after his transfer to Saoner Project. Workman in his cross-examination says he had gone to Saoner Project for joining and he was not allowed to join duty explaining that any document in that regard was not received. Thereafter workman remained silent. He did not submit any grievance to higher authorities. So far as transfer orders are produced. Exhibit W-9, W-10 with copy to Manager Saoner Project, Bhamori Project. The evidence in cross-examination of workman, he claims ignorance whether in 1996, he was in jail. He further

says that his counsel has submitted application in Court for adjournment on ground that he was in jail. Thus evidence of workman is not consistent. Issuing chargesheet for unauthorized absence falls within managerial powers. Enquiry was not completed and any punishment is not imposed against workman. Evidence of workman about his suspension is not consistent. Document at Page 9/2, 27/2 are not proved. Management has proved document Exhibit M-13. Workman was not under suspension as per said document.

11. Workman has submitted application claiming subsistence allowance on 17-3-92. Said application was supported by affidavit that workman was not paid subsistence allowance. In Written Statement filed by management on 13-5-92, IIInd party had contented that workman was not suspended. The application for subsistence allowance filed by workman was rejected long back. Management denied suspension of workman in 1992 itself. The evidence of workman is not explaining reasons why he did not report to duty after management contented that he was not placed under suspension. Rather thereafter workman was in jail as per submission of his counsel in 1996. There appears some reasons other than suspension for which workman did not report to duty. He had not submitted grievance against Manager of Saoner Project why he was not allowed to join duty despite orders of his transfer.

12. Evidence of management's witness Shri D.K. Chourey is devoted on point of issuing chargesheet for issuing chargesheet, transfer of Ist party workman to Saoner Project on request by workman. That original record of Form C register from June 1987 is missing, its zerox copies are produced on record. Workman was released as per order dated 30-11-87. Workman did not report to duty at Saoner Project. Management's witness in his cross-examination says he joined IIInd party in 2009. He had no personal knowledge about workman. He claims ignorance whether workman had submitted any grievance to the management. Attendance register is maintained in colliery. Workman was Mining Sirdar. Attendance used to be marked in Form C register by concerned clerk. Witness admits that workman was issued chargesheet but he claims ignorance about suspension of workman. Workman denied chargesheet dated 16-6-87 referred to him. He has denied that charges against workman are false. He claims ignorance whether workman had gone to join duty but he was not allowed in duty.

13. Careful consideration of evidence of workman and his witnesses and evidence of management's witnesses clearly shows that chargesheet was issued to workman for unauthorised absence but enquiry was not completed. Any punishment was not imposed against workman on said chargesheet. Workman was transferred to Saoner Project on request letter Exhibit W-8. When he reported for joining

duty, he was not allowed to join duty. The evidence of workman shows his silence from 1-11-87 why he had not reported about it so the higher authorities and requested to allow him on duty. In 1996, workman was in jail as per submission made by his counsel. Workman did not join duty at Saoner till date of his superannuation. For reasons discussed above, I record my finding in Point No. 1, 2 in Affirmative.

14. **Point No. 3**-In view of my finding in Point No. 1, 2 chargesheet issued to workman and his transfer to Saoner Project is legal in view of request letters Exhibit W-10 submitted by workman himself. Evidence about suspension of workman is not cogent. As per Document Exhibit M-13 workman was not placed under suspension. The application for subsistence allowance filed by workman was rejected in 1992. The proceeding under P.W. Act filed by workman was also rejected. Since 1992, workman did not report to duty or make appropriate request to the higher authorities for allowing him on duty. The workman cannot be allowed back wages on the principles of no work no pay.

15. Learned counsel for workman submitted written notes of argument along with bunch of citations.

In case of Allahabad Jal Sansthan *versus* Daya Shankar Rai and another reported in 2005(5) SCC 124 considering facts that no pleading was raised in Written Statement no evidence was adduced by workman-50% backwages was awarded.

The facts of the present case are not comparable since there is absolutely no evidence why workman did not report to duty when the management contented in 1992 that he was no placed under suspension, application for subsistence allowance was rejected. Ratio held in the case cannot be applied to present case.

In case of Union of India *versus* Madhusudan Prasad reported in 2004(1) SCC 43. Their Lordship dealing with entitlement for back wages and reinstatement held that dismissal order was passed in contravention of principles of natural justice. The employee is entitled to reinstatement.

The ratio cannot be applied to case at hand as no punishment was imposed against workman on chargesheet issued to him.

For same reasons ratio held in 2004(4) SCC 560 cannot be applied to present case. In case of Rattan Singh Sandhu *vs* Punjab and Sind Bank Amritsar and another reported in 2007 LAB. I.C. 446, their Lordship of Punjab and Haryana High Court dealing with consequences of non-supply of Enquiry Report held order of dismissal passed by Disciplinary Authority be liable to be set aside. The ratio cannot be applied

to present case as any punishment is not imposed against workman on chargesheet issued to him.

16. At the time of argument, learned counsel for IIInd party Shri A.K. Shashi submits that workman has attained age of superannuation in 2008. IIInd party is ready to give benefits of retirement. The pleadings and evidence of workman shows that workman was in service of IIInd party for about 20 years prior to the chargesheet issued to him. Any punishment is not imposed on workman. However he failed to attend duty after his transfer from 1-11-1987 therefore the workman cannot be denied benefit of superannuation/retiral benefit. Workman deserves to be granted retiral/superannuation benefit for service period. Accordingly I record my finding in Point No. 3.

17. In the result, award is passed as under:—

- (1) Chargesheet issued to workman was proper.
- (2) Transfer of workman during pending enquiry is legal as the same was allowed on request of workman.
- (3) IIInd party is directed to allow benefit of superannuation/retiral benefits to workman considering duty period till 1-11-1987. All retiral benefit and statutory dues be paid to workman.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9% interest per annum from the date of award till its realization.

R.B. PATLE, Presiding Officer

नई दिल्ली, 30 मार्च, 2015

**का.आ. 703.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14)की धारा 17 के अनुसरण में केन्द्रीय सरकार सीएमपीडीआईएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या 205/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/03/2015 को प्राप्त हुआ था।

[सं. एल-22012/301/1994-आई आर (सी-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2015

**S.O. 703.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the Award Ref. No. 205/94 of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure, in the Industrial Dispute between the management of CMPDIL, and their workmen, received by the Central Government on 30.03.2015.

[No. L-22012/301/1994-IR(C-II)]

Md. ZAHID SHARIF, Section Officer

## ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/205/94

Secretary,

National coal Organisation Employees Association,  
Branch CMPDIL, RI-V, M.V. Market,

Distt. Bilaspur (MP) ...Workman/Union

*Versus*

Regional Director,

CMPDIL, RI-V, M.V. Market,

Distt. Bilaspur ...Management

## AWARD

Passed on this 18th day of February, 2015

1. As per letter dated 14-11-94 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22012/301/94-IR(C-II). The dispute under reference relates to:

"Whether the action of the management of CMPDIL, RI-V, Bilaspur in reducing the subsistence allowance of S/Shri Jafar Mohd., UDC, N. Ghosh, Draftsman and D.K. Sahu Draftsman from their full wages to 1/4th of wages *w.e.f.* 18-6-93 and not payment of subsistence allowance for the days for which headquarter leaving permission was granted is justified? If not, to what relief the workman is entitled to?"

2. After receiving reference, notices were issued to the parties, Ist party employees Association submitted statement of claim at Page 2/2 to 2/10. Case of Ist party is that employees Shri Jafar Mohd., N. Ghosh, and D.K. Sahu are officer bearers of the Union. They had complained about illegal activities of Additional Chief Mining Engineer Shri K.A. Pant to State Minister of Coal Shri P.N. Sharma. Vigilence Enquiry was carried. Shri K.A. Pant implicated all those employees making false allegations. Chargesheet was issued to workman. Workman were suspended as per Clause 28.2 of standing orders. It is submitted that workmen were not paid subsistence allowance. Their application for leaving headquarter was rejected. They were granted leave. He enquiry was not delayed for their conduct. As per order dated 2-5-93, subsistence allowance was reduced to 1/4th as per clause 28.4 of standing orders they were entitled to subsistence allowance. It was illegally reduced. Management has not paid subsistence allowance for the period they were granted permission to leave headquarter or leave was granted to them. Workman were prosecuted

in criminal case. They were acquitted as per clause 28.5 of standing orders. After acquittal in criminal case, they were entitled to subsistence allowance. Management did not pay subsistence allowance, it was illegally reduced to 1/4th. On such ground, Ist party prays for appropriate direction to the management.

3. IIInd party filed Written Statement at Page 17/1 to 17/8. Claim of workman is opposed. IIInd party submits that workman alongwith others approached on 4-6-92. They abused him in filthy language. Shri Pant was assaulted physically. Incident was reported by Pant to Regional Director taking serious view of the matter. Chargesheet was issued to workman. Workmen were suspended on 8-6-92 pending enquiry. Shri B.S. Goswami was appointed as Enquiry Officer. After his transfer N.K. Kesari was appointed as Enquiry Officer. Workmen were paid subsistence allowance for 30 days and 50% subsistence allowance for 30 days. They were paid 3/4th wages as subsistence allowance from 8-7-92 to 7-8-92. Workman filed civil suit in Civil Court. After dismissal of suit for injunction, workman filed appeal before Additional District Judge, Bilaspur, The same was dismissed on 2-2-93. Enquiry was delayed. Workman avoiding to participate in enquiry. The details of their absence in enquiry is given. That as per clause 28.2 of standing order, the suspended employee cannot leave headquarter without permission. His enquiry was not completed, Enquiry Officer reviewed the matter and reduced subsistence allowance of workman to 1/4th of wages. Workman were acquitted giving benefit of doubts. They were no exonerated in Enquiry proceedings. Workmen are therefore not entitled to subsistence allowance claimed by them. On such ground, IIInd party prays that reference be answered in its favour.

4. Workman submitted rejoinder at Page 16/1 to 15/2 reiterating their contentions in statement of claim.

5. Management filed rejoinder at page 13/1 to 13/8 reiterating their contentions in Written statement.

6. Considering pleadings on record, the points which arise for my consideration and determination are as under. May findings are recorded against each of them for the reasons as below:—

(i) Whether the action of the management CMPDIL, RI-V, Bilaspur in reducing the subsistence allowance of S/Shri Jafar Mohd., UDC, N. Ghosh, Draftsman and D.K. Sahu Draftsman and D.K. Sahu Draftsman from their full wages to 1/4th of wages w.e.f. 18-6-93 and not payment of subsistence allowance for the days for

In Affirmative

which headquarter leaving permission was granted is justified?

(ii) If not, what relief the workman is entitled to?"

Workmen are not entitled to any relief.

## REASONS

5. The terms of reference relates to denial of subsistence allowance to the workman and reduction of subsistence allowance. Workmen are claiming that after their suspension, chargesheet was issued to him. Enquiry was conducted. They were granted permission to leave headquarter therefore they are entitled for subsistence allowance. However IIInd party did not pay subsistence allowance to them. Workman failed to adduce evidence in support of their claim. Management has produced documents of Enquiry Proceedings. Any witness is also not examined by management. record of Enquiry Proceedings shows several applications submitted by workman about their difficulty to attend Enquiry Proceedings. When claim of Ist party is not supported by any kind of evidence neither management has adduced evidence to substantiate its contentions, burden of proof lies on workman to establish their claim about illegal deduction or non-payment of subsistence allowance to them. Such burden is not discharged by Ist party.

8. Learned counsel for IIInd party Shri A.K. Shashi relies on ratio held in—

Case of management of Reserve Bank of India versus Shri Bhopal Singh Panchal reported in 1994-I-LLJ-642. Their Lordship dealing with scope of Section 33(C)(2) of ID Act held that period of suspension pending criminal proceedings. Competent authority has to take into consideration circumstances of each case to decide as to how period of suspension has to be treated. Power to treat the period of suspension either as on duty or as on leave. Labour Court while acting under Section 33(C)(2) has no jurisdiction to decide such question.

The ratio has no bearing to the controversy between parties as the present proceedings is dispute referred under Section 10 ID Act and not proceeding under Section 33(C)(2).

Copy of standing order is produced by IIInd party under clause 28.3 of standing order provides for payment of subsistence allowance half the wages till 30 days, 3/4th of his wages beyond 30 days if enquiry is pending. It also authorizes management to reduce subsistence allowance to 1/4th wages if the enquiry is not completed within 60 days.

Clause 28.5 of standing order provides if after enquiry or conclusion of criminal proceedings, a workman is held guilty of the charges alleged against

him or some other charges brought in the course of enquiry or is convicted in the criminal proceedings and is consequently discharged or dismissed, he shall not be entitled to any remuneration.

Workmen have not adduced evidence about violation of above provision in standing order therefore I record my finding in Point No. 1 in Affirmative.

9. In the result, award is passed as under:—

(1) The Action the management of CMPDIL, RI-V, Bilaspur in reducing the subsistence allowance of S/Shri Jafar Mohd., UDC, N. Ghosh, Draftsman and D.K. Sahu Draftsman from their full wages to 1/4th of wages *w.e.f.* 18-6-93 and not payment of subsistence for the days for which headquarter leaving permission was granted is legal and proper.

(2) Workmen are not entitled to any relief.

R.B. PATLE, Presiding Officer

नई दिल्ली, 30 मार्च, 2015

**का.आ. 704.—**औद्योगिक विवाद अधिनियम 1947 (1947 का 14)की धारा 17 के अनुसरण में केन्द्रीय सरकार डब्ल्यूसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 213/97) को प्रकाशित करती है जो केन्द्रीय सरकार को 30/03/2015 को प्राप्त हुआ था।

[सं. एल-22012/294/1996-आईआर (सी-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2015

**S.O. 704.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the Award (Ref. No. 213/97) of the Central Government Industrial Tribunal-Cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of Western Coalfield Limited, and their workmen, received by the Central Government on 30.03.2015.

[No. L-22012/294/1996-IR(C-II)]

Md. ZAHID SHARIF, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/213/97

The President,  
Pench Kanhan Koyala Khadan Karmchari  
Sangh, At & PO Damua,  
Distt. Chhindwara

...Workman

#### Versus

The Sub Area Manager,  
Ambara Sub Area of WCL,  
P.O. Ambara,  
Distt. Chaindwara (MP) ...Management

#### AWARD

Passed on this 9th day of February, 2015

1. As per letter dated 11.7.97 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22012/294/96-IR(C-II). The dispute under reference relates to:

"Whether the action of the Addl. Chief Security Officer, WCL Coal Estate, Civil Lines, Nagpur in demoting shri Insan Ali from the post of Security Sub Inspector to the post of Asst. Security Sub Inspector *w.e.f.* 26-5-92 is legal and justified? If not, to what relief is the workman entitled and from which date?"

2. After receiving reference, notices were issued to the parties. Ist party Union submitted statement of claim at Page 3/1 3/5. Case of Union is Insan Ali working in Rawanwara Colliery of WCL as Security Sub Inspector demoted to law rank as Assistant Security Sub Inspector from 26-5-92. It is submitted that workman was appointed as Security Guard on 23-5-74. He was promoted as Head Security Guard on 13-9-97 and promoted as Security Sub Inspector on 16-10-81. Chargesheet was issued to him on 28-1, 83 for allegation of accepting bribe of Rs. 100 from Rameshwar Joshi, contractor. Workman was transferred to Rajgamar Sub Area of Korba. After lapse of 18 months, 2nd Chargesheet was issued to him on 7-5-84 for the same incident. The allegations were while working was posted at Gevra Project of WCL, in December 1982, he demanded Rs. 1000/-As illegal gratification from Krishna Awar Joshi, Petty contractor of WCL to release 6 bags cement seized by him. That workman was caught redhanded while receiving Rs. 100/- from Krishna Awar Joshi. Workman submitted reply to chargesheet denying allegation. Enquiry was conducted, opportunity of reasonable defence by workman was given. The evidence of witnesses was recorded. Enquiry Officer submitted report that charges against workman were proved. Workman submits that witnesses were pressurized for giving their statements before Enquiry Officer. CBI constable and Inspector were permitted to remain present while statement of witnesses were recorded. The enquiry is thereby vitiated. Chargesheet is not issued by Competent Authority. On such ground, workman is praying for setting aside order of his reversion.

3. IIInd party filed Written Statement at Page 4/1 to 4/8. IIInd party did not dispute appointment of Insan Ali as

Security guard on 23-5-74. His promotion as head security guard on 13-9-77. Workman was promoted as Sub Inspector on 16-10-81. Chargesheet was issued to workman for the allegations accepting amount of Rs. 100/- from petty contractor Rameshwar Joshi. Chargesheet issued to workman. After his transfer, 2nd Chargesheet was issued. Enquiry was conducted following rules. statement of witnesses were recorded. The witnesses were also cross-examined by co-worker. It is reiterated that enquiry is properly conducted. Punishment of reversion is proper and legal. All adverse contentions of workman are denied. The charges against workman are proved.

4. As per order dated 12-4-2013, enquiry against workman is found proper and legal. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

<p>(i) Whether the action of the Addl. Chief Security Officer, WCL Coal Estate, Civil, Lines, Nagpur in demoting Shri Insan Ali from the post of Security Sub Inspector to the post of Asstt. Security Sub Inspector w.e.f. 26-5-92 is legal and justified?</p>	In Affirmative
<p>(ii) If not, what relief the workman is entitled to?"</p>	Workman is not entitled to any relief.

### REASONS

5. As per order dated 12-4-2013, enquiry conducted against workman is found legal and proper. Questions remains whether charges against workman are proved from evidence in Enquiry Proceedings. Whether punishment of demotion of workman is proper and legal. For deciding Point No.1, the evidence in Enquiry Proceedings needs to be considered. As enquiry is found proper and legal, any other evidence cannot be considered for deciding whether charges against workman are proved or not. The statements of witnesses of management Shri R.K. Saxena, I.B. Singh, Krishna Anwar Joshi complainant contractor have supported version of management. Workman accepting Rs. 100 from contractor Krishna Anwar Joshi. The note of Rs. 50/-, 2 note of Rs. 20/- and one note of Rs. 10/- was recovered from workman. The hands of workman were dipped in water. The clothes of workman were seized, new clothes were given to him for change. The evidence of other witnesses also corroborates their evidence. It is surprised to say that evidence of management's witness was not shattered in cross-examination. The evidence cannot be re-appreciated as Appellate Authority. It is

surprised to see the findings of Enquiry Officer are supported by evidence, same cannot be said perverse. For above reasons, I record my finding in Point No. 1 in Affirmative.

6. Point No.2- As per my findings in Point No. 1 Charges against workman are proved by evidence in Enquiry Proceedings, proved charges against workman are of receiving bribe of Rs. 1000/- for releasing 6 bags of cement seized by him the proved misconduct is of serious nature. The punishment of demotion by one stage, already shown lenient view taken against workman. The punishment imposed cannot be said excessive or disproportionate therefore no interference is called in the punishment imposed against workman. For above reasons, I record my finding in Point No. 1 in Negative.

7. In the result, award is passed as under:—

- (1) The action of the Addl. Chief Security Officer, WCL Coal Estate, Civil Lines, Nagpur in demoting Shri Insan Ali from the post of Security Sub Inspector to the post of Asstt. Security Sub Inspector w.e.f 26-5-92 is legal and proper.
- (2) Workman is not entitled to any relief.

R.B. PATLE, Presiding Officer

नई दिल्ली, 30 मार्च, 2015

**का.आ. 705.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डब्ल्यूसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 270/99) को प्रकाशित करती है जो केन्द्रीय सरकार को 30/03/2015 को प्राप्त हुआ था।**

[सं. एल.-22012/436/1998-आई आर (सीएम-II)]

मो. जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 30th March, 2015

**S.O. 705.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 270/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the management of of Western Coalfield Limited, and their workman, received by the Central Government on 30.03.2015.

[No. L-22012/436/1998-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
JABALPUR

No. GGIT/LC/R/270/99

The President,  
RKKMS (INTUC),  
PO Chandametta,  
Distt. Chhindwara

...Workman

Versus

Chief General Manager,  
WCL, Kanhan Area, PO Dungaria,  
Distt. Chhindwara (MP)

...Management

## AWARD

Passed on the 25th day of November, 2014

1. As per letter dated 30.7.99 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-22012/436/98/IR(CM-II). The dispute under reference relates to:

"Whether the action of the management of Hirdagarh Siding of WCL, Kanhan Area, General Manager, WCL, Kanhan Area PO Dungaria, Distt. Chhindwara (MP) in not promoting Shri Keky Panthakey as Loading Supdt. Grade B from 1985 and Sr. Loading Supdt. A from 1990 is justified? If not, to what relief is the workman entitled to?"

2. After receiving reference, notices were issued to the parties. 1st party Union submitted statement of claim at Page 4/1 to 4/8. Union submits it is registered under Trade Union Act. Dispute has been referred for adjudication. Workman Keky Panthakey was appointed and working on the post of Clerk Grade I. on introduction of Cadre Scheme I.I. No. 34 dated 17.7.84, the post of loading Supdt. Grade I was re-designated and replaced by Technical Supervisor Grade "C". That workman Keky Panthakey who was working as Loading Supdt. Grade I was placed in the post of Technical Supervisor Grade "C". That his father is working as Senior Loading Supdt. in technical Grade A at Hirday Siding of WCL, Kanhan Area. On 1.1.1984, Shri Keky Panthakey Grade I Clerk Loading Supervisor Grade C was transferred from Hirday Siding to Neemdhana Weigh Bridge. His father Shri H.T. Panthakey working as Sr. Loading Supdt. Grade A at Hirday Retired on 28.8.84. therefore order of transfer of Shri Keky Panthakey was kept in abeyance to continue him at Hirdaygarh Siding. As per I.I. No. 34 dated 17.7.84, the post of clerical Grade I was re-designated as Technical Supervisor Grade "C" looking to the performance of Shri Keky Panthakey, he was recommended by Sr. Sales Officer for redesignated post of Asstt. Loading Supdt. (T&S) Grade C.

3. It is submitted that on retirement of 28.8.84, there was no eligible person for promotion on the said post.

Management directed Shri Keky Panthakey to work as Sr. Loading Supdt. He had taken charge from his father. Since 7.4.90, Dy. Sales Manager recommended Shri Keky Panthakey for post of Asstt. Loading Supdt. Grade "C" to the post of Loading Supdt. Grade "B". In view of said recommendations, note sheet was prepared by Sr. Sales Officer Kanhan Area on 12.9.90 for promotion to Shri Keky Panthakey to the post of Loading Supdt. The DPC after considering case of Shri Keky Panthakey found him fit for post of Loading Supdt. As per order dated 29.10.91, he was promoted to the post of Loading Supdt., T&S Grade B. Union further submits that Shri Keky Panthakey was posted in pay scale Rs. 1290-2426. It is reiterated that Shri Keky Panthakey was eligible for promotion to the post of Supdt. Grade B in 1985, Supdt. Grade A in 1990. He was not given promotions to above post though the post was vacant after death of his father. Union prays that Shri Keky Panthakey be promoted to the post of loading Supdt. Grade B from 1985 and Loading Supdt. Grade A from 1990.

4. IIInd party submitted Written Statement at Page 7/1 to 7/8. Preliminary objection is raised by IIInd party that promotion cannot be claimed as a matter of right. Promotion depends upon eligibility availability and sanctioned post. That there are cadre schemes for the ministerial staff classified as General Clerical Cadre, Store Personnel Cadre, Loading/dispatch Personnel Cadre, Cash Personnel Cadre, secretariat Cadre. IIInd party reiterates that selection of candidate for filling vacancies in higher categories are made on recommendations of DPC. Cadre scheme for ministerial staff provides eligibility for promotions to Loading Supdt. (T&S) & NCWA IV also provides the matter of such promotions.

5. On recommendations of DPC, workman working as Loading Supdt. Was promoted to the post of Sr. Loading Supdt. Grade A on 28.4.01 only fulfilling eligibility for promotional post does not give right to workman for promotion. All adverse contentions of workman are denied. It is submitted that as per I.I. No. 34, employees working in post of clerk Grade I are re-designated as Technical Supervisor Grade III equal to Asstt. Supervisor (T&S) Grade C. IIInd party denies that there was no eligible person for post of Sr. Loading Supdt. After death of Shri Keky Panthakey. It is submitted that promotion is given subject to vacancies and recommendation of DPC after of 5 years to the post of Loading Supdt. (T&S) Grade A. Shri Keky Panthakey was not recommended by DPC for promotion in the year 1985 or 1990 therefore his claim for promotion to Grade B, Grade A post cannot be allowed.

6. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

(i) "whether the action of the management of Hirdagarh Siding of WCL, Kanhan Area, General Manager, WCL, Kanhan Area"

In Affirmative

PO Dungaria, Distt. Chhindwara  
(MP) in not promoting  
Shri Keky Panthakey as  
Loading Supdt. Grade B  
from 1985 and Sr. Loading  
Supdt. A from 1990 is justified?

(ii) If not, what relief the  
workman is entitled to?"

Workman is not  
entitled to any  
relief.

### REASONS

7. Union has raised dispute contending that Shri Keky Panthakey be promoted to the post of Loading Supdt. Grade B from 1985 and Loading Supdt. Grade A from 1990. Copy of cadre Scheme is produced on record. Clause 3.2 provide promotion for post upto technical Grade B shall be on basis of Seniority cum Merit and Technical Grade B to A shall be on the basis of merit cum seniority. Para-4 of the cadre Scheme provides the selection of candidates for filling vacancies in higher categories shall be made on the recommendations of DPC to be constituted by the competent authority or any other officers who may be delegated with such power by him from time to time. The decision of the competent authority on such recommendations shall be final. The cadre Scheme provides that 5 years experience as Asstt. Loading Inspector/Asstt. Loading Supdt. In Tech & Supervisor Grade C for promotion to the post of Loading Inspector/Loading Superintendent Grade B. for promotion to the post of Sr. Loading Inspector Grade A, 5 years experience as Loading Inspector/Loading Supdt. In Tech and Supervisory Gr. B is necessary. The office order about promotion of Shri Keky Panthakey to the post of Loading Supdt. Grade B is produced and promotion to the post of Loading Supdt. Grade A dated 28.4.01 reproduced on record. During course of argument, promotion of Shri Keky Panthakey to above post was not in dispute.

8. Affidavit of evidence is filed by Shri Keky Panthakey covering his contentions in statement of claim. In his cross-examination, he says the promotions are given as per adre scheme. The promotion to the post of Loading Supdt. And above are given on merit cum seniority basis on recommendations of DPC. That he claimed promotion to Loading Supdt. Grade D from 1985. Till 1985 he was not recommended by DPC for promotion. His name was recommended in 1986. He had not received order in writing about recommendation of his name by DPC. In his further cross-examination, workman says his claim for promotion to the post of Loading Supdt. Grade A from 1990. There was no recommendation by DPC. He was promoted to the post of Asstt. Loading Supdt. T&S Grade C on 29.10.91 after recommendation by DPC. The evidence of workman is clear that recommendation of DPC is necessary for promotion to both the post. The evidence of management's witness Lalji doesnot support claim of workman for promotion to above post. In his cross-examination, management's witness says Shri S.T. Panthakey was working as Sr. Loading Supdt. Before 1984. He retired in

1984. Shri Keky Panthakey was promoted on the post in place of his father as Sr. Loading Supdt. His further evidence in cross-examination shows that the promotions are given as per settlements. The cadre Scheme provides for recommendation by DPC. Name of Shri Keky Panthakey was not recommended in 1990 or 1985 by DPC therefore his claim about fulfilling eligibility of 5 years experience cannot give him right of promotion to those post. For above reasons, I record my finding in Point No. 1 in Affirmative.

9. In the result, award is passed as under:—

- (1) The action of the management of Hirdagarh Siding of WCL, Kanhan Area, General Manager, WCL, Kanhan Area PO Dungaria, Distt. Chhindwara (MP) in not promoting Shri Keky Panthakey as Loading Supdt. Grade B from 1985 and Sr. Loading Supdt. A from 1990 is legal and proper.
- (2) Workman is not entitled to any relief.

R.B. PATLE, Presiding Officer

नई दिल्ली, 30 मार्च, 2015

**का.आ. 706.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कमिशनर म्यूनिसिपल कारपोरेशन ऑफ डेल्ही के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय 1 डेल्ही के पंचाट (संदर्भ संख्या 121/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 30/03/2015 को प्राप्त हुआ था।**

[सं. एल.-42012/227/2010-आई आर (डीयू)]

पी.के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 30th March, 2015

**S.O. 706.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 121/2013) of the Central Government Industrial Tribunal-cum-Labour Court No. 1 Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of of Commissioner, Municipal Corporation of Delhi and their workman, which was received by the Central Government on 30.03.2015.

[No. L-42012/227/2010-IR(DU)]

P.K. VENUGOPAL, Desk Officer

### ANNEXURE

**IN THE COURT OF SHRI AVATAR CHAND DOGRA,  
PRESIDING OFFICER, CENTRAL  
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT NO. 1, KARKARDOOMA  
COURT COMPLEX, DELHI**

ID No. 121/2013

Smt. Saroj,  
C/o Nagar Nigam Karamchari Sangh,  
Delhi Pradesh, P-2/624, Sultanpuri,  
Delhi

....Workman

**Versus**

The Commissioner,  
Municipal Corporation of Delhi,  
Town Hall, Chandni Chowk,  
Delhi-110006

...Management

**AWARD**

Central Government, *vide* letter No. L-42012/227/2010/IR(DU) dated 20.08.2013, referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of Municipal Corporation of Delhi in denying the demand of Nagar Nigam Karamchari Sangh for giving permanent appointment on compassionate grounds to Smt. Saroj, Daily Wage Safai karamchari with effect from 10.06.2002 is just, fair and legal? If not, what relief the workman is entitled to?"

2. On receipt of the above reference, notice was sent to the workman as well as the management. None appeared on behalf of the claimant. As such, this Tribunal ordered issuance of fresh notice to the workman. Despite sending various notices, neither the workman nor any authorized representative on her behalf appeared before the Tribunal so as to pursue her case. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

3. Since the workman has neither put in her appearance nor has she led any evidence so as to prove her cause against the management, as such, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

A.C. DOGRA, Presiding Officer

Dated : March 25, 2015

नई दिल्ली, 30 मार्च, 2015

**का.आ. 707.—**औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कमिशनर म्यूनिसिपल कारपोरेशन ऑफ डेल्ही के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय 1 डेल्ही के पंचाट (संदर्भ संख्या 119/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 30/03/2015 को प्राप्त हुआ था।

[सं. एल.-42011/69/2010-आई आर (डीयू)]

पी.के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 30th March, 2015

**S.O. 707.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID. No. 119/2013 of the Central Government Industrial Tribunal-cum-Labour Court No. 1,

Delhi, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of of Commissioner, Municipal Corporation of Delhi and their workmen, which was received by the Central Government on 30.03.2015.

[No. L-42011/69/2010-IR(DU)]

P.K. VENUGOPAL, Desk Officer

**ANNEXURE**

**IN THE COURT OF SHRIAVATAR CHAND DOGRA,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO.  
1, KARKARDOOMA COURT COMPLEX, DELHI**

ID No. 119/2013

Smt. Raj Bala,

Through General Secretary,  
Nagar Nigam Karamchari Sangh,  
Delhi Pradesh, P-2/624, Sultanpuri,

Delhi

...Workman

**Versus**

The Commissioner,  
Municipal Corporation of Delhi,  
Town Hall, Chandni Chowk,  
Delhi

...Management

**AWARD**

Central Government *vide* letter No. L-42011/69/2010/IR(DU) dated 31.07.2013, referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the Management of Municipal Corporation of Delhi in denying the demand of Nagar Nigam Karamchari Sangh, Delhi Pradesh for giving permanent appointment on compassionate grounds to Smt. Raj Bala W/o Late Shri Karambir, Daily Wage Safai Karamchari with effect from 17.06.2004 is legal and justified? To what relief the workman concerned is entitled to?"

2. On receipt of the above reference, notice was sent to the workman as well as the management. None appeared on behalf of the claimant. As such this Tribunal ordered issuance of fresh notice to the workman. Despite sending various notices, neither the workman nor any authorized representative on her behalf appeared before the Tribunal so as to pursue her case. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

3. Since the workman has neither put in her appearance nor has she led any evidence so as to prove her cause against the management, as such, this tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

March 25, 2015

A. C. DOGRA, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 708.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएनजीएसी० लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 55/2013) को प्रकाशित करती हैं, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं. एल-30012/21/2012-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 708.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 55/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Guwahati now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23/03/2015.

[No. L-30012/21/2012-IR(M)]  
JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

Present: Shri L.C. Dey, M.A., LL.B.,  
Presiding Officer,  
CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—  
The Management of ONGC Limited, Kolkata,

Vs

Their Workman Sri Madhu Sudhan Choudhury,  
Tripura (West).

*Ref. Case No. 55 of 2013.  
Copy of order dated 25.02.2015*

#### ORDER

25.02.2015

The Case Record up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013(4) W.P. (C) No. 7385 of 2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case

and 47 other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman Shri Madhu Sudhan Choudhury, (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry vide their No. F. No. L-30012/21/2012-IR(M), dated 23.08.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Shri Madhu Sudhan Choudhury, Ex-Contingent workman enaged in seismic survey work through their Geophyscial Party w.e.f. 01.07.2001 in present of settlement dated 27/28.2.2001, is legal and justified? What relief the concerned workman is entitled to?"

The case of the claimant/workman as it appears from the claim statement, in brief, is that he had been working as casual contingent workman under ONGC, Tripura since 01.02.1982 to work under Geophysical Party No. 27 along with other workmen and continuously worked for a period of 237 days on an average in every year with few international breaks and he was terminated from July 2001. But the management did not consider their genuine case for appointment on regular basis despite his long 20 years of unblemished, dedicated service rendered to the Management. The Hon'ble Guwahati High Court passed an order and judgement and decided the said issue in terms of Memorandum of Settlement dt. 27/28.01.2001 executed by & between the Management & their workmen signed before the R.L.C. (C), Guwahati. Despite the above order of the Hon'ble High Court the management did not regularize the workmen rather the present workman has been retrenched from service from July 2001 without assigning any reason thereof, and the management in order to avoid the statutory obligation as provided u/s 25(F) of the I.D. Act 1947 allowed the workmen to work less than 240 days in each calendar year and thereby the management deliberately exercised unfair labour practice. Hence, the workman prayed to adjudicate the present reference by pronouncing an award in favour of the claimant/workman.

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The workman submitted his claim statement along with the supporting documents. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 02.01.2014 stating that they have moved before the Hon'ble Guwahati High Court assailing, inter-alia, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.13 passed by the Hon'ble Guwahati High

Court in W.P.(C) No. 7385/13. Accordingly the proceeding of the reference was stayed w.e.f 02.01.2014 until further order.

On persual of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7385/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 709.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएनजीसी० लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 53/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं० एल-30012/20/2012-आईआर (एम)]

जोहन तोप्नो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 709.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 53/2013 of the Cent. Govt. Indus. Tribunal Labour Court, Guwahati as shown in the Annexure, in the industrial dispute between the employers in relation to the management of O.N.G.C. Limited and their workmen, which was received by the Central Government on 23/03/2015.

[No. L-30012/20/2012-IR(M)]

JOHAN TOPNO, Under Secy.

## ANNEXURE

### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

Present: Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,

CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—

The Management of ONGC Limited, Kolkata,

Vs—

Their Workman Sri Bidhan Ghosh, Tripura (West).

Ref. Case No. 53 of 2013.

Copy of order dated 24.02.2015

## ORDER

24.02.2015.

The Case Records up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Guwahati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P. (C) No. 7381 of 2013(4) W.P. (C) No. 7385 of 2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case (No. 53/2013) along with 47 Nos. of other reference case in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman Sri Bidhan Ghosh, Tripura (West) (Claimant/ workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication *vide* their No. F. No. L-30012/20/2012-IR(M), dated 23.08.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Shri Bidhan Ghosh, Ex-Contingent workman engaged in seismic survey work through their Geophysical Party *w.e.f.* 01.07.2001 in presence of settlement dated 27/ 28.01.2001, is legal and justified? What relief the concerned workman is entitled to?"

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The Learned Advocate for the workman appeared and prayed for adjournment for filing Claim Statement but no claim statement filed by the workman. During pendency of this proceeding the management after obtaining time on few dates submitted a petition on 24.12.2013 stating that they have moved before the Hon'ble Guwahati High Court assailing, *inter alia*, the order or reference and the

subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.13 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 7385/13. Accordingly the proceeding of the reference was stayed w.e.f 24.12.2013 until further order.

On persusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7385/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 710.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार और एन्जीसीएलिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 51/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं एल-30012/14/2012-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 710.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 51/2013 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Guwahati now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of

ONGC Limited and their workmen, which was received by the Central Government on 23/03/2015.

[No. L-30012/14/2012-IR(M)]

JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

Present: Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,

CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—

The Management of ONGC Limited, Kolkata,

VS—

Their Workman Sri Swapan Choudhury, Tripura (West).

*Ref. Case No. 51 of 2013.*

*Copy of order dated 24.02.2015*

#### ORDER

24.02.2015

The Case Record put up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) P.W.(C) No. 7381 of 2013 (4) W.P. (C) No. 7385 of 2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case (No. 51/2013) along with 47 Nos. of other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P. management) and the workman Sri Swapan Choudhury, Tripura (west) (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication *vide* their No. F. No. L-30012/14/2012-IR(M), dated 22.08.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Shri Swapan Choudhury, S/o Late R.C. Choudhury, Ex-Contingent workman engaged in seismic survey work through their Geophysical Party w.e.f. 01.07.2001 in present of settlement dated 27/28.01.2001, is legal and justified? What relief the concerned workman is entitled to?"

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal.

The Learned Advocate for the workman appeared and prayed for adjournment for filing Claim Statement but no claim statement filed by the workman. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 22.1.2014 stating that they have moved before the Hon'ble Guwahati High Court assailing, inter-alia, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.13 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 7381/13. Accordingly the proceeding of the reference was stayed w.e.f 24.1.2014 until further order.

On perusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7381/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation arrived at u/s 12(3) of the I.D. Act, 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no. relief to the workman.

L. C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 711.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएनजीसीलिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 50/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं. एल-30012/13/2012-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 711.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 50/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Guwahati the employers in relation to which was as shown in the Annexure, in the industrial dispute between the management of O.N.G.C. Limited and their workmen, received by the Central Government on 23/03/2015.

[No. L-30012/13/2012-IR(M)]  
JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

Present: Shri L.C. Dey, M.A., LL.B.,  
Presiding Officer,  
CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—  
The Management of ONGC Limited, Kolkata,

—Vs—

Their Workman Sri Parimal Kumar Shil, Tripura (West).

Ref. Case No. 50 of 2013.  
Copy of order dated 24.02.2015

#### ORDER

24.02.2015.

The Case Record up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013(4) W.P. (C) No. 7385 of 2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case No. (51/2013) alongwith 47 nos. of other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman Sri Primal Kumar Shil, Tripura (West) (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjcatopn *vide* their No. F. No. L-30012/13/2012-IR(M), dated 22.08.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Shri Parimal Kumar Shil, S/o Late Mohan Shil, , Ex-Contingent workman engaged in seismic survey work through their Geophysical party w.e.f. 01.07.2001 in

present of settlement dated 27/28.01.2001, is legal and justified? What relief the concerned workman is entitled to?"

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The learned Advocate for the workman appeared and prayed for adjournment for filing Claim Statement but no claim statement filed by the workman. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 22.01.2014 stating that they have moved before the Hon'ble Guwahati High Court assailing, inter-alia, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.13 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 7385/13. Accordingly the proceeding of the reference was stayed w.e.f 22.01.2014 until further order.

On persusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7385/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation arrived at u/s 12(3) of the I.D. Act, 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no. relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 712.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएन्जीएसी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या

52/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं. एल-30012/9/2012-आईआर (एम)]  
जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 712.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 52/2013, of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Guwahati now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of O.N.G.C. Limited and their workmen, which was received by the Central Government on 23/03/2015.

[No. L-30012/9/2012-IR(M)]  
JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

**Present:** Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,  
CGIT-cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—  
The Management of ONGC Limited, Kolkata,

—Vs.—

Their Workman Sri Gopal Acharjee, Tripura (West).

Ref. Case No. 50 of 2013.

Copy of order dated 25.02.2015

#### ORDER

24.02.2015.

The Case Record up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P. (C) No. 7381 of 2013(4) W.P. (C) No. 7385 of 2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case and 47 other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman Sri Gopal Acharjee, (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry *vide* their No. F. No. L-30012/9/2012-IR(M), dated 22.08.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Sri Gopal Acharjee, S/o Late Bhubaneswar Acharjee, Ex-Contingent workman engaged in seismic survey work through their Geophysical Party *w.e.f.* 01.07.2001 in present of settlement dated 27/28.01.2001, is legal and justified? What relief the concerned workman is entitled to?"

The case of the claimant/workman as it appears from the claim statement, in brief, is that he had been working as casual contingent workman under ONGC, Tripura since 08.12.1978 to work under Geophysical Party No. 27/31 along with other workmen and continuously worked for a period of 237 days on an average in every year with few international breaks and he was terminated from July 2001. But the management did not consider their genuine case for appointment on regular basis despite his long 20 years of unblemished, dedicated service rendered to the Management. The Hon'ble Guwahati High Court passed an order and judgement and decided the said issue in terms of Memorandum of Settlement dt. 27/28.01.2001 executed by & between the Management & their workmen signed before the R.L.C. (C), Guwahati. Despite the above order of the Hon'ble High Court the management did not regularize the workmen rather the present workman has been retrenched from service from July 2001 without assigning any reason thereof, and the management in order to avoid the statutory obligation as provided u/s 25(F) of the I.D. Act 1947 allowed the workmen to work less than 240 days in each calendar year and thereby the management deliberately exercised unfair labour practice. Hence, the workman prayed to adjudicate the present reference by pronouncing an award in favour of the claimant/workman.

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The workman submitted his claim statement along with the supporting documents. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 24.12.2013 stating that they have moved before the Hon'ble Guwahati High Court assailing, *inter-alia*, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.13 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 7381/13. Accordingly the proceeding of the reference was stayed *w.e.f.* 24.12.2013 until further order.

On persusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy

of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7381/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act, 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 713.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएनजीसीलिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 54/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं एल-30012/19/2012-आईआर (एम)]  
जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 713.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 54/2013) of the Central Government Indus. Tribunal-cum-Labour Court, Guwahati as shown in the Annexure in the industrial dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23/03/2015.

[No. L-30012/19/2012-IR(M)]

JOHAN TOPNO, Under Secy.

## ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

**Present:** Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,

CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—

The Management of ONGC Limited, Kolkata,

*Vs*

Their Workman Sri Apurba Kanti Mazumdar,  
Tripura (West).

Ref. Case No. 54 of 2013.

Copy of order dated 23.02.2015

## ORDER

23.02.2015.

The Case Record put up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013 (4) W.P. (C) No. 7385 of 2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case (No. 54/2013) and 47 nos. of other reference case in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman Shri Apurba Kanti Mazumdar, Tripura (West) (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication *vide* their No. F. No. L-30012/19/2012-IR(M), dated 23.08.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Shri Apurba Kanti Mazumdar, Ex-Contingent workman engaged in seismic survey work through their Geophysical Party *w.e.f.* 01.07.2001 in presence of settlement dated 27/28.2.2001, is legal and justified? What relief the concerned workman is entitled to?"

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. During pendency of this proceeding the management after obtaining time on few dates submitted a petition on 03.01.2014 stating that they have moved before the Hon'ble Guwahati High Court assailing, *inter-alia*, the order or

reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.2013 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 7385/13. Accordingly the proceeding of the reference was stayed *w.e.f.* 03.01.2014 until further order.

On perusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7385/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 714.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार औण्ठनौजी०सी०लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 56/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं. एल-30012/8/2012-आईआर० (एम)]

जोहन तोपना, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 714.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 56/2013) of the Central Government Indus. Tribunal-cum-Labour Court, Guwahati now as shown in the Annexure, in the Industrial

Dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23/03/2015.

[No. L-30012/8/2012-IR(M)]

JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

**Present:** Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,  
CGIT-cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—

The Management of ONGC Limited, Kolkata,

Vs

Their Workman Sri Ashok Kr. Deb, Tripura (West).

Ref. Case No. 56 of 2013.  
Copy of order dated 23.02.2015

#### ORDER

23.02.2015.

The Case Record up today with the order No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Guwahati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P. (C) No. 7381 of 2013(4) W.P. (C) No. 7385/2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case (No. 56/2013) along with and 47 nos. of other reference case in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman Shri Ashok Kr. Deb. Tripura (West) (Claimant/ workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry *vide* their No. F. No. L-30012/8/2012-IR(M), dated 22.08.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Shri Ashok Kr. Deb, S/o Late D. C. Deb, Ex-Contingent workman engaged in seismic survey work through their Geophysical Party *w.e.f.* 01.07.2001 in presence of settlement dated 27/28.01.2001, is legal and justified? What relief the concerned workman is entitled to?"

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 03.01.2014 stating that they have moved before the Hon'ble Guwahati High Court assailing, *inter-alia*, the order or reference and the subsequent notice issued thereupon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.2013 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 7381/13. Accordingly the proceeding of the reference was stayed *w.e.f.* 03.01.2014 until further order.

On perusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7381/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 715.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ०एन०जी०सी०लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 57/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं. एल-30012/7/2012-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 715.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 57/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Guwahati now as shown in the Annexure in the industrial dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23/03/2015.

[No. L-30012/7/2012-IR(M)]  
JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

**Present:** Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,  
CGIT-cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—

The Management of ONGC Limited, Kolkata,

Vs

Their Workman Sri Sanjit Saha, Tripura (West).

*Ref. Case No. 57 of 2013.  
Copy of order dated 25.02.2015*

#### ORDER

25.02.2015.

The Case Record put up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Guwahati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P. (C) No. 7381 of 2013(4) W.P. (C) No. 7385 of 2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case and 47 other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman Shri Sanjit Saha (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry *vide* their No. F. No. L-30012/07/2012-IR(M), dated 22.08.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Shri Sanjit Saha, S/o Late Sh. Lalit Saha, Ex-Contingent workman engaged in seismic survey work through their Geophysical Party *w.e.f.* 01.07.2001 in presence of settlement dated 27/28.1.2001, is legal and justified? What relief the concerned workman is entitled to?"

The case of the claimant/workman as it appears from the claim statement, in brief, is that he had been working as casual contingent workman under ONGC, Tripura since 29.12.1980 to work under Geophysical Party No. 27 along with other workmen and continuously worked for a period of 230 days on an average in every year with few intentional breaks and he was terminated from July 2001. But the management did not consider their genuine case for appointment on regular basis despite his along 20 years of unblemished, dedicated service rendered to the Management. The Hon'ble Guwahati High Court passed an order and judgment and decided the said issue in terms of Memorandum of Settlement dt. 27/28.01.2001 executed by & between the Management & their workmen signed before the R. L.C. (C), Guwahati. Despite the above order of the Hon'ble High Court the management did not regularize the workmen rather the present workman has been retrenched from service on 2001 without assigning any reason thereof, and the management in order to avoid the statutory obligation as provided u/s 25(F) of the I.D. Act 1947 allowed the workmen to work less than 240 days in each calendar year and thereby the management deliberately exercised unfair labour practice. Hence, the workman prayed to adjudicate the present reference by pronouncing an award in favour of the claimant/workman.

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The workman submitted his claim statement along with the supporting documents. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 02.01.2014 stating that they have moved before the Hon'ble Guwahati High Court assailing, *inter-alia*, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.2013 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 7385/13. Accordingly the proceeding of the reference was stayed *w.e.f.* 02.01.2014 until further order.

On persusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7381/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th

January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 716.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओण्डनॉजी-सी० लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 05/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं एल-30012/65/2012-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 716.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 05/2013 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Guwahati now as shown in the Annexure in the industrial dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23/03/2015.

[No. L-30012/65/2012-IR(M)]

JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

Present: Shri L.C. Dey, M.A., LL.B., Presiding Officer, CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—  
The Management of ONGC Limited, Kolkata,

Vs.

Their Workman Aghoree Deb Barma, Tripura (West).

Ref. Case No. 05 of 2013.

Copy of order dated 02.02.2015

#### ORDER

02.02.2015.

The Case Record put up today along with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P. (C) No. 7372 of 2013 (3) W.P. (C) No. 7381 of 2013(4) W.P. (C) No. 7385 of 2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case (No. 05/2013) along with 47 nos. of other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P. management) and the workman Shri Aghoree Deb Barma, (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry *vide* their No. F. No. L-30012/65/2012-IR(M), dated 22.01.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the service of Shri Aghore Deb Barma, Ex-Contingent workman engaged in seismic survey work through their Geophysical Party w.e.f. 01.07.2001 in presence of settlement dated 27/28.1.2001, is legal and justified? What relief the workman is entitled to?"

The case of the claimant/workman, in brief, is that he had been working as casual contingent workman under ONGC. Tripura since 1982-83 to work under Geophysical Party No. 27/31 along with other workmen and continuously worked for a period of 234/235 days on an average in every year with few international breaks and he was terminated from service in the year 2001. But the management did not consider their genuine case for appointment on regular basis despite repeated request. On 31.7.01 the Hon'ble Guwahati High Court passed an order and judgment directing the authority to take proper step for appointment of the workmen on regular basis and also to absorb the retrenched workers in service till their services are regularized and their contingent employment should be allowed for the maximum days in a year. Despite the above order of the Hon'ble High Court the management did not regularize the workmen rather the present workman has been retrenched from service on 2001 without assigning any reason thereof, and the management in order to avoid the statutory obligation as provided u/s 25(F) of the I. D. Act 1947 allowed the workmen to work less than 240 days in each calendar year and thereby the management deliberately exercises unfair labour practice. Thereafter in a meeting held on 20.1.92 *vide* No. 11(2)/91-resolution No. 6 it was decided that services of the casual workers would be regularized according to the qualification and

experience. The management have not complied with the decision contained in the minutes dated 30.10.91 of 58th meeting of ONGC held that the recognized Union, communicated vide No. 11(2)/91-IR dated 20.1.92. Hence, the workman prayed to adjudicate the present reference by pronouncing an award in favour of the claimant/workman.

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The workman submitted his claim statement along with the supporting documents. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 30.10.2013 stating that they have moved before the Hon'ble Guwahati High Court assailing, *inter-alia*, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 7.10.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 7.10.2013 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 5958/13. Accordingly the proceeding of the reference was stayed *w.e.f.* 30.10.2014 until further order.

On persusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 5958/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 717.**—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएनजीसी

लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 07/2013) प्रकाशित करती है जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं. एल-30012/63/2012-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 717.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 07/2013) of the Central Government Industrial Tribunal/Labour Court, Guwahati now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23/03/2015.

[No. L-30012/63/2012-IR(M)]

JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

**Present:** Shri L.C. DEY, M.A., LL.B., Presiding Officer, CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—

The Management of ONGC Limited, Kolkata,

Vs

Their Workman Sri Swapan Karmakar, Tripura (West).

Ref. Case No. 07 of 2013.  
Copy of order dated 02.02.2015

#### ORDER

02.02.2015.

The Case Record put up today along with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Guwahati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013 (4) W.P. (C) No. 7385 of 2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case (No. 07/2013) along with 47 other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman Shri Swapan Karmakar, (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry *vide* their No. F. No. L-30012/63/2012-IR(M), dated 22.01.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Shri Swapan Karmakar, Ex-Contingent workman engaged in seismic survey work through their Geographical Party *w.e.f.* 01.07.2001 in present of settlement dated 27/28.2.2001, is legal and justified? What relief the workman is entitled to?"

The case of the claimant/workman, in brief, is that he had been working as casual contingent workman under ONGC, Tripura since 1982-83 to work under Geophysical Party No. 27/31 along with other workmen and continuously worked for a period of 234/235 days on an average in every year with few international breaks and he was terminated from service in the year 2001. But the management did not consider their genuine case for appointment on regular basis despite repeated requests. On 31.7.01 the Hon'ble Guwahati High Court passed an order and judgement directing the authority to take proper step for appointment of the workmen on regular basis and also to absorb the retrenched workers in service till their services are regularized and their contingent employment should be allowed for the maximum days in a year. Despite the above order of the Hon'ble High Court the management did not regularize the workmen rather the present workman has been retrenched from service in the year 2001 without assigning any reason thereof, and the management in order to avoid the statutory obligation as provided u/s 25(F) of the I.D. Act, 1947 allowed the workmen to work less than 240 days in each calendar year and thereby the management deliberately exercised unfair labour practice. Thereafter in a meeting held on 20.1.92 *vide* No. 11(2)/91-IR resolution No. 6 it was decided that services of the casual workers would be regularized according to the qualification and experience. The management have not complied with the decision contained in the minutes dated 30.10.91 of 58th meeting of ONGC held with the recognized Union, communicated *vide* No. 11(2)/91-IR dated 20.1.92. Hence, the workman prayed to adjudicate the present reference by pronouncing an award in favour of the claimant/workman.

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The workman submitted his claim statement along with the supporting documents. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 07.11.13 stating that they have moved before the Hon'ble Guwahati High Court assailing, *inter-alia*, the

order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 07.10.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 07.10.13 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 5958/13. Accordingly the proceeding of this reference was stayed *w.e.f.* 07.11.2013 until further order.

On persusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 5958/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 718—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएनजीसीलिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 09/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं. एल-30012/61/2012-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 718—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 09/2013) of the Central Government Industrial Tribunal/Labour Court, Guwahati now as shown in the Annexure in the Industrial

Dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23/03/2015.

[No. L-30012/61/2012-IR(M)]  
JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

**Present:** Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,  
CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—

The Management of ONGC Limited, Kolkata,

Vs.

Their Workman Sri Aghoree Deb Barma, Tripura (West).

*Ref. Case No. 09 of 2013.  
Copy of order dated 03.02.2015*

#### ORDER

09.03.2015.

The Case Record put up today along with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Guwahati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013(4) W.P. (C) No. 7385 of 2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case (No. 09/2013) along with 47 Nos. of other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P. management) and the workman Shri Chamal Chakraborty, (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry *vide* their No. F. No. L-30012/61/2012-IR(M), dated 22.01.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the service of Shri Chamal Chakraborty, Ex-Contingent workman engaged in seismic survey work through their Geophysical Party *w.e.f.* 01.07.2001 in presence of settlement dated 27/28.1.2001, is legal and justified? What relief the concerned workman is entitled to?"

The case of the claimant/workman, in brief, is that he had been working as casual contingent workman under ONGC, Tripura since 1977-78 to work under Geophysical

Party No. 27/31 along with other workmen and continuously worked for a period of 234/235 days on an average in every year with few intentional breaks and he was terminated from service in the year 2001. The workman stated that during his period of service, he had in fact, worked for more than 240 days on an average in every year and the work performed against payment of wages in cash on day to day basis. But the management did not consider their genuine case for appointment on regular basis despite repeated request. On 31.7.01 the Hon'ble Guwahati High Court passed an order and judgement directing the authority to take proper step for appointment of the workmen on regular basis and also to absorb the retrenched workers in service till their services are regularized and their contingent employment should be allowed for the maximum days in a year. Despite the above order of the Hon'ble High Court the management did not regularise the workmen rather the present workman has been retrenched from service in 2001 without assigning any reason thereof, and the management in order to avoid the statutory obligation as provided u/s 25(F) of the I.D. Act 1947 allowed the workmen to work less than 240 days in each calendar year and thereby the management deliberately exercised unfair labour practice. Thereafter in a meeting held on 20.1.92 *vide* No. 11(2)/91-IR resolution No. 6 it was decided that services of the casual workers would be regularized according to the qualification and experience. The management have not complied with the decision contained in the minutes dated 30.10.91 of 58th meeting of ONGC held with the recognized Union, communicated *vide* No. 11(2)/91-IR dated 20.1.92. Hence, the workman prayed to adjudicate the present reference by pronouncing an award in favour of the claimant/workman.

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The workman submitted his claim statement along with the supporting documents. During pendency of this proceeding the management after obtaining time on few date submitted a petition on 04.11.13 stating that they have moved before the Hon'ble Guwahati High Court assailing, *inter-alia*, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 07.10.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 07.10.13 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 5958/13. Accordingly the proceeding of the reference was stayed *w.e.f.* 04.11.2013 until further order.

On persusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 5958/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by

the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no relief to the workman.

L. C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 719.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएनजीसीलिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 06/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं एल-30012/64/2012-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 719.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 06/2013) of the Central Government Industrial Tribunal/Labour Court, Guwahati now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23/03/2015.

[No. L-30012/64/2012-IR(M)]  
JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

**Present:** Shri L.C. Dey, M.A., LL.B.,  
Presiding Officer,  
CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—

The Management of ONGC Limited, Kolkata,

Vs.

Their Workman Sri Narayan Chandra Lodh,  
Tripura (West).

Ref. Case No. 06 of 2013.  
Copy of order dated 03.02.2015

#### ORDER

03.02.2015.

The Case Record up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Guwahati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013 (4) W.P.(C) No. 7385 of 2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case (No. 06/2013) along with 47 nos. of other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman Shri Narayan Chandra Lodh, (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication *vide* their No. F. No. L-30012/64/2012-IR(M), dated 22.01.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Limited, in terminating the services of workman Shri Narayan Chandra Lodh, Ex-Contingent workman enaged in seismic survey work through their Geophysical Party *w.e.f.* 01.07.2001 in presence of settlement dated 27/28.1.2001, is legal and justified? What relief the concerned workman is entitled to?"

The case of the claimant/workman, in brief, is that he had been working as casual contingent workman under ONGC, Tripura since 1982-83 to work under Geophysical Party No. 27/31 along with other workmen and continuously worked for a period of 234/235 days on an average in every year with few intentional breaks and he was terminated from service in the year 2001. The workman stated that during his period of service, he had in fact, worked for more than 240 days on an average in every year and the work performed against payment of wages in cash on day to day basis. But the management did not consider their genuine case for appointment on regular basis despite repeated request. On 31.7.01 the Hon'ble Guwahati High Court passed an order and judgement directing the authority to take proper step for appointment of the

workmen on regular basis and also to absorb the retrenched workers in service till their services are regularized and their contingent employment should be allowed for the maximum days in a year. Despite the above order of the Hon'ble High Court the management did not regularize the workmen rather the present workman has been retrenched from service from on 2001 without assigning any reason thereof, and the management in order to avoid the statutory obligation as provided u/s 25(F) of the I.D. Act 1947 allowed the workmen to work less than 240 days in each calendar year and thereby the management deliberately exercised unfair labour practice. Thereafter in a meeting held on 20.1.92 *vide* No. 11(2)/91-IR resolution No. 6 it was decided that services of the casual workers would be regularized according to the qualification and experience. The management have not complied with the decision contained in the minutes dated 30.10.91 of 58th meeting of ONGC held with the recognized Union, communicated *vide* No. 11(2)/91-IR dated 20.1.92. Hence, the workman prayed to adjudicate the present reference by pronouncing an award in favour of the claimant/workman.

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The workman submitted his claim statement along with the supporting documents. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 04.11.13 stating that they have moved before the Hon'ble Guwahati High Court assailing, *inter-alia*, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 07.10.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 07.10.13 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 5958/13. Accordingly the proceeding of this reference was stayed *w.e.f.* 04.11.2013 until further order.

On perusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 5958/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliatin proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised;

and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no relief to the workman.

L. C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 720.**—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ०एन०जी०सी० लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 08/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं एल-30012/62/2012-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 720.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 08/2013) of the Central Government Industrial Tribunal/Labour Court, Guwahati now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23/03/2015.

[No. L-30012/62/2012-IR(M)]

JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

**Present:** Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,  
CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—

The Management of ONGC Limited, Kolkata,

Vs.

Their Workman Md. Abdul Shobhan, Tripura (West).

Ref. Case No. 08 of 2013.

Copy of order dated 03.02.2015

**ORDER**

03.02.2015

The Case Record put up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013 (4) W.P.(C) No. 7385 of 2013 by which the Hon'ble Gauhati High Court has been pleased to dispose of the instant reference case (No. 08/2013) along with 47 other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman Md. Abdul Shobhan, (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication *vide* their No. F. No. L-30012/62/2012-IR(M), dated 22.01.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Limited, in terminating the services of Shri Md. Abdul Shobhan, Ex-Contingent workman enaged in seismic survey work through their Geophysical Party *w.e.f.* 01.07.2001 in presence of settlement dated 27/ 28.1.2001, is legal and justified? What relief the concerned workman is entitled to?"

The case of the claimant/workman, in brief, is that he had been working as casual contingent workman under ONGC, Tripura since 1982 to work under Geophysical Party No. 27/31 along with other workmen and continuously worked for a period of 232/233 days on an average in every year with few international breaks and he was terminated from service in the year 2001. But the management did not consider their genuine case for appointment on regular basis despite repeated requests. On 31.7.01 the Hon'ble Gauhati High Court passed an order and judgement directing the authority to take proper step for appointment of the workmen on regular basis and also to absorb the retrenched workers in service till their service are regularized and their contingent employment should be allowed for the maximum days in a year. Despite the above order of the Hon'ble High Court the management did not regularize the workmen rather the present workman has been retrenched from service in the year 2001 without assigning any reason thereof, and the management in order to avoid the statutory obligation as provided u/s 25(F) of the I.D. Act, 1947 allowed the workmen to work less than 240 days in each calendar year and thereby the management deliberately exercised unfair labour practice. Thereafter in a meeting held on 20.1.92 *vide* No. 11(2)/91-IR resolution No. 6 it was decided that services of the casual workers would be regularized according to the qualification and experience. The management have not complied with the decision contained

in the minutes dated 30.10.91 of 58th meting of ONGC held with the recognized Union, communicated *vide* No. 11(2)/91-IR dated 20.1.92. Hence, the workman prayed to adjudicate the present reference by pronouncing an award in favour of the claimant/workman.

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The workman submitted his claim statement along with the supporting documents. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 04.11.13 stating that they have moved before the Hon'ble Gauhati High Court assailing, *inter-alia*, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 07.10.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 7.10.13 passed by the Hon'ble Gauhati High Court in W.P.(C) No. 5958/13. Accordingly the proceeding of the reference was stayed *w.e.f.* 4.11.2013 until further order.

On persusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 5958/13 dated 18.11.14, it appears that the Hon'ble Gauhati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliatin proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 721.—**ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार औण्णजी०सी०लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 12/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/3/2015 को प्राप्त हुआ था।

[सं. एल-30012/58/2012-आईआर (एम)]  
जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 721.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 12/2013) of the Cent. Govt. Indus. Tribunal/Labour Court, Guwahati now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23/3/2015.

[No. L-30012/58/2012-IR(M)]  
JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, GUWAHATI.

**Present:** Shri L.C. Dey, M.A., LL.B., Presiding Officer,  
CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between :—  
The Management of ONGC Limited, Kolkata,

Vs

Their Workman Sri Suken Deb Barma, Tripura (West).

*Ref. Case No. 12 of 2013.  
Copy of order dated 18.02.2015*

#### ORDER

18.02.2015.

The Case Record put up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgment and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013 (4) W.P.(C) No. 7385/2013 by which the Hon'ble Gauhati High Court has been pleased to dispose of the instant reference case (No. 12/2013 alongwith) 47 nos. of other reference case in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman Shri Suken Deb Barma, Tripura (west) (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication

*vide* their No. F. No. L-30012/58/2011-IR(M), dated 22.01.13. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of Shri Suken Deb Barma, Ex- Contingent workman engaged in seismic survey work through their Geophysical Party *w.e.f.* 01.07.2001 in present of settlement dated 27/28.01.2001, is legal and justified? What relief the workman is entitled to?"

The case of the claimant/workman in brief, is that he had been working as casual contingent workman under ONGC, Tripura since 1982-83 to work in the seismic survey section along with other workmen. But the management did not consider their genuine case for appointment on regular basis despite repeated request. On 31.7.01 the Hon'ble Gauhati High Court passed an order and judgement directing the authority to take proper step for appointment of the workmen on regular basis and also to absorb the retrenched workers in service till their services are regularized and their contingent employment should be allowed for the maximum days in a year. Despite the above order of the Hon'ble High Court the management did not regularize the workmen rather the present workman has been retrenched from service in the year 2001 without assigning any reason thereof, and the management in order to avoid the statutory obligation as provided u/s 25(F) of the I.D. Act 1947 allowed the workmen to work less than 234/235 days in each calendar year and thereby the management deliberately exercised unfair labour practice. Thereafter in a meeting held on 20.1.92 *vide* No. 11(2)/91-IR resolution No. 6 it was decided that services of the casual workers would be regularized according to the qualification and experience. The management have not complied with the decision contained in the minutes dated 30.10.92 of 58th meeting of ONGC held with the recognized Union, Communicated *vide* No. 11(2)/91-IR dated 20.1.292. Hence, the workmen prayed to adjudicate the present reference by pronouncing an award in favour of the claimant/workman.

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The workman submitted his claim statement along with the supporting documents. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 18.11.2013 stating that they have moved before the Hon'ble Gauhati High Court assailing, *inter-alia*, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 7.10.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 7.10.13 passed by the Hon'ble Gauhati High Court in W.P.(C) No. 5958/13. Accordingly the proceeding of this reference was stayed *w.e.f.* 08.11.2013 until further order.

On persusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 5958/13 dated 18.11.14, it appears that the Hon'ble Gauhati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no. relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 722.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओपनॉजी०सी०लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 10/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं० एल-30012/60/2012-आई०आर० (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 722.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 10/2013) of the Cent. Govt. Indus. Tribunal/Labour Court, Guwahati now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23/03/2015.

[No. L-30012/60/2012-IR(M)]

JOHAN TOPNO, Under Secy.

## ANNEXURE

### IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI.

**Present:** Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,

CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—

The Management of ONGC Limited, Kolkata,

Vs

Their Workman Shri Ratan Chakraborty, Tripura (West).

*Ref. Case No. 10 of 2013.  
Copy of order dated 20.02.2015*

## ORDER

20.02.2015.

The Case Record up today along with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgment and order (oral) passed by the Hon'ble Guwahati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013 (4) W.P.(C) No. 7385 of 2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case (No. 10/2013) along with 47 nos. of other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P. management) and the workman Shri Ratan Chakraborty, Tripura (west) (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication *vide* their No. F. No. L-30012/60/2012-IR(M), dated 22.01.13. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the service of Shri Ratan Chakraborty Ex- Contigent workman engaged in seismic survey work through their Geographical Party *w.e.f.* 01.07.2001 in present of settlement dated 27/28.01.2001, is legal and justified? What relief the concerned workman is entitled to?"

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before time on few dates submitted a petition on 29-10-2013 stating that they have moved before the Hon'ble Gauhati High Court assailing, inter-alia, the order or reference and the subsequent notice issued there upon and the Hon'ble High

Court passed an interim order dated 07-10-13 staying the further processing of the reference. The management also submitted a copy of the order dated 07-10-2013 passed by the Hon'ble Gauhati High Court in W.P(c) No. 5958/13. Accordingly the processing of this reference was stayed with effect from 23-01-2014 until further order.

On perusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 5958/13 dated 18.11.14, it appears that the Hon'ble Gauhati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 723.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएनजीसीलिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 03/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं. एल-30012/67/2012-आईआर० (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 723.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 03/2013) of the Cent. Govt. Indus. Tribunal/Labour Court, Guwahati now as shown in the Annexure, in the Industrial Dispute between

the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23/03/2015.

[No. L-30012/67/2012-IR(M)]  
JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

**Present:** Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,  
CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—  
The Management of ONGC Limited, Kolkata,

Vs

Their Workman Shri Phani Bhushan Deb Barma,  
Tripura (West).

Ref. Case No. 03 of 2013.  
Copy of order dated 18.02.2015

#### ORDER

The Case Record put up today along with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgment and order (oral) passed by the Hon'ble Guwahati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013 (4) W.P.(C) No. 7385/2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case (No. 03/2013) along with 47 nos. of other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/ management) and the workman Sri Phani Bhushan Deb Barma, Tripura (west) (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication *vide* their No. F. No. L-30012/67/2012-IR(M), dated 22.01.13. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the service of Shri Phani Bhushan Deb Barma, Ex- Contingent workman engaged in seismic survey work through their Geographical Party *w.e.f.* 01.07.2001 in presence of settlement dated 27/28.01.2001, is legal and justified? What relief the workman is entitled to?"

The case of the claimant/workman in brief, is that he had been working as casual contingent workman under ONGC, Tripura since 1981-82 to work in the seismic survey

section along with other workmen. But the management did not consider their genuine case for appointment on regular basis despite repeated request. On 31.7.01 the Hon'ble Guwahati High Court passed an order and judgement directing the authority to take proper step for appointment of the workmen on regular basis and also to absorb the retrenched workers in service till their services are regularized and their contingent employment should be allowed for the maximum days in a year. Despite the above order of the Hon'ble High Court the management did not regularize the workmen rather the present workman has been retrenched from service in the year 2001 without assigning any reason thereof, and the management in order to avoid the statutory obligation as provided u/s 25(F) of the I.D. Act 1947 allowed the workmen to work 232/233 days in each calendar year and thereby the management deliberately exercised unfair labour practice. Thereafter in a meeting held on 20.1.92 *vide* No. 11(2)/91-IR resolution No. 6 it was decided that services of the casual workers would be regularized according to the qualification and experience. The management have not complied with the decision contained in the minutes dated 30.10.91 of 58th meeting of ONGC held with the recognized Union, communicated *vide* No. 11(2)/91-IR dated 20.1.92. Hence, the workmen prayed to adjudicate the present reference by pronouncing an award in favour of the claimant/workman.

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The workman submitted his claim statement along with the supporting documents. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 30.10.2013 stating that they have moved before the Hon'ble Guwahati High Court assailing, *inter-alia*, the order or reference and the subsequent notice issued thereupon and the Hon'ble High Court passed an interim order dated 7.10.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 7.10.13 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 5958/13. Accordingly the proceeding of this reference was stayed w.e.f 30.10.2013 until further order.

On persusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 5958/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived

at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no. relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 724.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएनजी०सी०लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 04/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं. एल-30012/66/2012-आईआर (एम)]  
जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 724.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 04/2013) of the Cent. Govt. Indus. Tribunal/Labour Court, Guwahati now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of O.N.G.C. Limited and their workmen, which was received by the Central Government on 23/03/2015.

[No. L-30012/66/2012-IR(M)]  
JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, GUWAHATI.

**Present:** Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,

CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—

The Management of ONGC Limited, Kolkata,

Vs.

Their Workman Sri Kanu Mian, Tripura (West).

*Ref. Case No. 04 of 2013.*

*Copy of order dated 02.02.2015*

**ORDER**

20.02.2015.

The Case Record up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgment and order (oral) passed by the Hon'ble Guwahati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013 (4) W.P.(C) No. 7385/2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case and (No. 04/2013) along with 47 nos. of other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman Md. Kanu Mian (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry *vide* their No. F. No. L-30012/66/2011-IR(M), dated 22.01.13. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Sri Md. Kanu Mian Ex- Contingent workman engaged in seismic survey work through their Geographical Party *w.e.f.* 01.07.2001 in presence of settlement dated 27/28.01.2001, is legal and justified? What relief the workman is entitled to?"

The case of the claimant/workman in brief, is that he had been working as casual contingent workman under ONGC, Tripura since 1981-82 to work under Geophysical Party No. 27/31 along with other workmen and continuously worked for a period of 233/234 days on an average in every year with few intentional breaks and he was terminated in the year 2001. But the management did not consider their genuine case for appointment on regular basis despite repeated request. On 31.7.01 the Hon'ble Gauhati High Court passed an order and judgement directing the authority to take proper step for appointment of the workman on regular basis and also to absorb the retrenched workers in service till their services are regularized and their contingent employment should be allowed for the maximum days in a year. Despite the above order of the Hon'ble High Court the management did not regularize the workmen rather the present workman has been retrenched from service on 2001 without assigning any reason thereof, and the management in order to avoid the statutory obligation as provided u/s 25(F) of the I.D. Act 1947 allowed the workmen to work 240 days in each calendar year and thereby the management

deliberately exercised unfair labour practice. Thereafter in a meeting held on 20.1.92 *vide* No. 11(2)/91-IR resolution No. 6 it was decided that services of the casual workers would be regularized according to the qualification and experience. The management have not complied with the decision contained in the minutes dated 30.10.91 of 58th meeting of ONGC held with the recognized Union, communicated *vide* No. 11(2)/91-IR dated 20.1.92. Hence, the workmen prayed to adjudicate the present reference by pronouncing an award in favour of the claimant/workman.

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The workman submitted his claim statement along with the supporting documents. During pendency of this proceeding the management after obtaining time on few dates submitted a petition on 30.10.2013 stating that they have moved before the Hon'ble Guwahati High Court assailing, *inter-alia*, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 7.10.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 7.10.13 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 5958/13. Accordingly the proceeding of this reference was stayed *w.e.f.* 30.10.2014 until further order.

On persusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 5958/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no. relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 725.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएनजीसी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 15/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं एल-30012/55/2012-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 725.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 15/2013) of the Cent. Govt. Industrial Tribunal/Labour Court, Guwahati now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23/03/2015.

[No. L-30012/55/2012-IR(M)]

JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

Present: Shri L.C. Dey, M.A., LL.B.,  
Presiding Officer,  
CGIT-cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—

The Management of ONGC Limited, Kolkata,

Vs

Their Workman Sri Bhabotosh Acharjee, Tripura (West).

**Ref. Case No. 15 of 2013.**  
**Copy of order dated 02.02.2015**

#### ORDER

The Case Record put up today along with the order No. F.No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgment and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013 (4) W.P. (C) No. 7385 of 2013 by which the Hon'ble Gauhati High Court has been pleased to dispose of the instant reference case (No. 15/2013) along with 47 nos. of other reference cases in the matter of an Industrial Dispute

between the Management of ONGC Ltd. Kolkata (O.P. management) and the workman Shri Bhabotosh Acharjee, Tripura (West) (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry *vide* their No. F. No. L-30012/55/2012-IR(M), dated 22.01.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of Shri Bhabotosh Acharjee, Ex-Contingent workman engaged in seismic survey work through their Geographical Party *w.e.f.* 01.07.2001 in present of settlement dated 27/28.1.2001, is legal and justified? What relief the workman is entitled to?"

The case of the claimant/workman in brief, is that he had been working as casual contingent workman under ONGC, Tripura since 1982 to work in the seismic survey section along with other workmen. But the management did not consider their genuine case for appointment on regular basis despite repeated request. On 31.7.01 the Hon'ble Guwahati High Court passed an order and judgement directing the authority to take proper step for appointment of the workmen on regular basis and also to absorb the retrenched workers in service till their services are regularized and their contingent employment should be allowed for the maximum days in a year. Despite the above order of the Hon'ble High Court the management did not regularize the workmen rather the present workman has been retrenched from service from July 2001 without assigning any reason thereof, and the management in order to avoid the statutory obligation as provided u/s 25(F) of the I.D. Act 1947 allowed the workmen to work less than 240 days in each calendar year and thereby the management deliberately exercised unfair labour practice. Thereafter in a meeting held on 20.1.92 *vide* No. 11(2)/91-IR resolution No. 6 it was decided that services of the casual workers would be regularized according to the qualification and experience. The Management have not complied with the decision contained in the minutes dated 30.10.91 of 58th meeting of ONGC held with the recognized Union, communicated *vide* No. 11(2)/91-IR dated 20.1.92. Hence, the workman prayed to adjudicate the present reference by pronouncing an award in favour of the the claimant/workman.

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The workman submitted his claim statement along with the supporting documents. During pendency of this proceeding the management after obtaining time on few dates submitted a petition on 06.11.2013 stating that they have moved before the Hon'ble Guwahati High Court assailing, *inter-alia*, the

order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 7.10.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 7.10.13 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 5958/13. Accordingly the proceeding of the reference was stayed w.e.f 02.01.2014 until further order.

On perusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 5958/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act, 1947 in conciliatin proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no. relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 726.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएन्जीसी-लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 11/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं एल-30012/59/2012-आईआर (एम)]  
जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 726.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 11/2013, of the Cent. Govt. Industrial Tribunal/Labour Court,

Guwahati now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23/03/2015.

[No. L-30012/59/2012-IR(M)]  
JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

**Present:** Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,  
CGIT-cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—  
The Management of ONGC Limited, Kolkata.

Vs

Their Workman Sri Aghoree Deb Barma, Tripura (West).

*Ref. Case No. 11 of 2013.  
Copy of order dated 03.02.2015*

#### ORDER

The Case Record put up today along with the order No. F No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgment and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013(4) W.P. (C) No. 7385 of 2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case (No. 11/2013) along with 47 nos. of other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman Shri Subodh Deb Barma, (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudicate vide their No. F No. L-30012/59/2012-IR(M), dated 22.01.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of Shri Subodh Deb Barma, Ex-Contingent workman engaged in seismic survey work through their Geographical Party w.e.f. 1.07.2001 in present of settlement dated 27/28.1.2001, is legal and justified? What relief the workman is entitled to?"

The case of the claimant/workman, in brief, is that he had been working as casual contingent workman under

ONGC, Tripura since 1978-79 to work under Geophysical Party No. 31 along with other workmen and continuously worked for a period of 236/237 days on an average in every year with few intentional breaks and he was terminated from service in the year 2001. The workman stated that during his period of service, he had in fact, worked for more than 240 days on an average in every year and the work performed against payment of wages in cash on day to day basis. But the management did not consider their genuine case for appointment on regular basis despite repeated request. On 31.7.01 the Hon'ble Hon'ble Guwahati High Court passed an order and judgement and directing the authority to take proper step for appointment of the workmen on regular basis and also to absorb the retrenched workers in service till their services are regularized and their contingent employment should be allowed for the maximum days in a year. Despite the above order of the Hon'ble High Court the management did not regularize the workmen rather the present workman has been retrenched from service on 2001 without assigning any reason thereof, and the management in order to avoid the statutory obligation as provided u/s 25(F) of the I.D. Act 1947 allowed the workmen to work less than 240 days in each calendar year and thereby the management deliberately exercised unfair labour practice. Thereafter in a meeting held on 20.1.92 *vide* No. 11(2)/91-IR resolution No. 6 it was decided that services of the casual workers would be regularized according to the qualification and experience. The Management have not complied with the decision contained in the minutes dated 30.10.91 of 58th meeting of ONGC held with the recognized Union, Communicated *vide* No. 11(2)/91-IR dated 20.1.92. Hence the workmen prayed to adjudicate the present reference by pronouncing an award in favour of the claimant/workmen.

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The workman submitted his claim statement along with the supporting documents. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 08.11.2013 stating that they have moved before the Hon'ble Guwahati High Court assailing, *inter-alia*, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 7.10.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 7.10.13 passed by the Hon'ble Gauhati High Court in W.P.(C) No. 5958/13. Accordingly the proceeding of this reference was stayed with effect from 08.11.13 until further order.

On persusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble

High Court in Writ Petition No. W.P.(C) No. 5958/13 dated 18.11.14, it appears that the Hon'ble Gauhati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliatin proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no. relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 727.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार और एन्जी०सी० लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 25/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं. एल-30012/47/2011-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 727.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 25/2013) of the Cent. Govt. Industrial Tribunal/Labour Court, Guwahati now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23/03/2015.

[No. L-30012/47/2011-IR(M)]

JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

**Present:** Shri L.C. Dey, M.A., LL.B.,  
Presiding Officer,  
CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—  
The Management of ONGC Limited, Kolkata.

**Vs**

Their Workman Sri Dikesh Deb Barma, Tripura (West).

*Ref. Case No. 25 of 2013.  
Copy of order dated 20.02.2015*

**ORDER**

20.2.2015

The Case Record put up today along with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgment and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013 (4) W.P. (C) No. 7385/2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case (No. 25/2013) along with 47 nos. of other reference case in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/ management) and the workman Shri Dikesh Deb Barma, Tripura (west) (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication *vide* their No. F. No. L-30012/47/2011-IR(M), dated 26.06.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workmen Shri Dikesh Deb Barma, S/o Sh. Subai Deb Barma, Ex-Contingent workman engaged in seismic survey work through their Geophysical Party w.e.f.1.07.2001 in present of settlement dated 27/28.1.2001, is legal and justified? What relief the concerned workman is entitled to?"

The case of the claimant/workman, in brief, is that he was engaged from December, 1982 by the Management on ONGC Ltd. to perform unskilled jobs as casual contingent workers doing the work done by the regular worker of the ONGC Ltd. After rendering his service for more than 20 years the Management of ONGC Ltd. all on a sudden, without any cause, notice paid and compensation retrenched the service of the workman from July 2001. During his period of service the workman in fact, worked for more than 240 days on an average in every year which includes the days of working performed against payment of wages in cash on day to day basis. Thereby the workman was deprived from claiming the legitimate rights and privileges made available to the regular workers appointed by the management. The workman came up for adjudication before the Hon'ble High Court in series of litigation and the Hon'ble High Court decided the same issue in terms of

memorandum of settlement dated 27/28.01.2001 executed between the management of ONGC Ltd and their workmen represented by ONGC Din Mazdur Union and Tripura ONGC Sramik Union (INTUC) signed before the Regional Labour Commissioner (C), Guwahati. The management of ONGC Ltd. chosen to through out the workmen from service by taking shield behind the aforesaid Memorandum of Settlement dated 27/28.01.2001.

The workman submitted that he has not either covered by the terms and conditions of the Memorandum of Settlement dated 27/28.01.2001 and he was, or he could never had been, a party to the said settlement. The management deliberately and maliciously engaged the workman to work for marginal less than 240 days in a year as per their record with a view to avoid its obligation provided u/s 25 (F) of the Act, 1947. Even the management used to pay cash to the claimant for all such days beyond of overall period of working over 235/236 days in a year for avoiding their liability provided u/s 25(F) of the I.D. Act. The workman mentioned that by virtue of his long standing employment under the management of ONGC Ltd. and on account of his vast practical experience gained out of such employment, the workman is no longer an unskilled/contingent workman and as such, the management is under all legal liability to absorb the workman by regularizing his service. It is further mentioned by the workman that the settlement dated 27/28.01.2001 having not been arrived in accordance with the relevant provision of Section 18 of the I.D. Act, 1947 read with Section 58 of the I.D. (Central) Rules, 1957, the same is against the principle of justice and therefore the claimant is not bound by the same. Accordingly the workman is entitled to be reinstated under the management of ONGC and backwages from the date of his retrenchment from 1.7.2001 till his reinstatement besides all other service benefit available to the claimant in accordance with the law. Hence, the workman prayed for passing of award in his favour, in the interest of justice.

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The workman submitted his claim statement along with the supporting documents. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 15.1.2014 stating that they have moved before the Hon'ble Guwahati High Court assailing, *inter-alia*, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.13 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 7372/13. Accordingly the proceeding of the reference was stayed with effect from 15.1.14 until further order.

On persusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7372/13 dated 18.11.14, it appears that the Hon'ble Gauhati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliatin proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no. relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 728.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओपन-जी-सी-लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 26/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.03.2015 को प्राप्त हुआ था।

[सं एल-30012/48/2011-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 728.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 26/2013 of the Central Government Industrial Tribunal/ Labour Court, Guwahati now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23/03/2015.

[No. L-30012/48/2011-IR(M)]

JOHAN TOPNO, Under Secy.

## ANNEXURE

### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

Present: Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,

CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—

The Management of ONGC Limited, Kolkata.

Vs

Their Workman Sri Prabir Pal, Tripura (West).

Ref. Case No. 26 of 2013.

Copy of order dated 20.02.2015

### ORDER

20.02.2015

The Case Record put up today along with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgment and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013 (4) W.P. (C) No. 7385/2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case (No. 26/2013) along with 47 nos. of other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/ management) and the workman Sri Prabir Pal, Tripura (west) (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication vide their No. F. No. L-30012/48/2011-IR(M), dated 26.06.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Shri Prabir Pal, S/o Sh. Amrit Lal Pal, Ex-Contingent workman enaged in seismic survey work through their Geophycial Party *w.e.f.* 1.07.2001 in presence of settlement dated 27/28.1.2001, is legal and justified? What relief the concerned workman is entitled to?"

On receipt of the order of references from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this tribunal. During pendency of this proceeding the management after obtaining time on few dates Submitted a petition on 23.01.2014 stating that they have moved before the Hon'ble Gauhati High Court assailing, *inter alia*, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated

18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.2013 passed by the Hon'ble Gauhati High Court in W.P(C) No. 7372/13. Accordingly the proceeding of this reference was stayed with effect from 23.01.2014 until further order.

On perusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgment and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P(C) No. 7372/13 dated 18.11.14, it appears that the Hon'ble Gauhati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act, 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 729.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएनजीएसी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 23/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.03.2015 को प्राप्त हुआ था।

[सं. एल-30012/45/2011-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 729.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 23/2013 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Guwahati now as shown in the Annexure, in the industrial dispute between the employers in relation to the

management of O.N.G.C. Limited and their workmen, which was received by the Central Government on 23.03.2015.

[No. L-30012/45/2011-IR(M)]  
JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

**Present:** Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,

CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—

The Management of ONGC Limited, Kolkata

Vs

Their Workman Sri Pulin Das, Tripura (West).

Ref. Case No. 23 of 2013.

Copy of order dated 19.02.2015

#### ORDER

19.02.2015.

The Case Record up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) P.W.(C) No. 7381 of 2013(4) W.P. (C) No. 7385/2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case (No. 23/2013) along with 47 Nos. of other reference case in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman Shri Pulin Das, Tripura (west) (Claimant/ workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication vide their No. F. No. L-30012/45/2011 IR (M), dated 26.06.2013. The Schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Shri Pulin Das, S/o Late Sh. Sashi Mohan Das, Ex-Contingent workman enaged in seismic survey work through their Geophycial Party w.e.f. 01.07.2001 in presence of settlement dated 27/28.2.2001, is legal and justified? What relief the concerned workman is entitled to?"

The case of the claimant/workman in brief, is that he had been working as casual contingent workman under ongc, Tripura since 1982-83 to work in the seismic survey section under geophysical Party No. 27 along with other workmen. But the management did not consider their genuine case

for appointment on regular basis despite repeated request. On 31.7.01 the Hon'ble Gauhati High Court passed an order and judgment directing the authority to take proper step for appointment of the workmen on regular basis and also to absorb the retrenched workers in service till their services are regularized and their contingent employment should be allowed for that maximum days in a year. Despite the above order of the Hon'ble High Court the management did not regularize the workmen rather the present workman has been retrenched from service in July, 2001 without assigning any reason thereof, and the management in order to avoid the statutory obligation as provided u/s 25(F) of the I.D. Act 1947 allowed the workmen to work 236/237 days in each calendar year and thereby the management deliberately exercised unfair labour practice. A Memorandum of settlement was arrived at on 27/28.01.2001 between the Management of ONGC & the workers' Union & the Hon'ble High Court decided the issue of regularisation in terms of the said settlement. But the management have not complied with the terms of the said settlement. Hence, the workman prayed to adjudicate the present reference by pronouncing an award in favour of the claimant/workman.

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The workman submitted his claim statement along with the supporting documents. During pendency of this proceeding the management after obtaining time on few dates submitted a petition on 15.01.2014 stating that they have moved before the Hon'ble Guwahati High Court assailing, *inter-alia*, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.13 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 7372/13. Accordingly the proceeding of this reference was stayed w.e.f 15.01.2014 until further order.

On perusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7372/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commission (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any

occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no. relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 730.**—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएनजीसी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 30/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं एल-30012/53/2011-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 730.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 30/2013 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Guwahati now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23/03/2015.

[No. L-30012/53/2011-IR(M)]

JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

Present: Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,

CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—

The Management of ONGC Limited, Kolkata,

VS

Their Workman Sri Dhankar Deb Barma, Tripura (West).

Ref. Case No. 30 of 2013.

Copy of order dated 19.02.2015

## ORDER

19.2.2015

The Case Record up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013 (4) W.P.(C) No. 7385 of 2013 by which the Hon'ble Gauhati High Court has been pleased to dispose of the instant reference case (No. 30/2013) along with 47 nos. of other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P./management) and the workman Shri Shankar Deb Barma, Tripura (west) (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication vide their No. F. No. L-30012/53/2011-IR(M), dated 26.06.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Shri Shankar Deb Barma, S/o Late Sh. Prasanna Deb Barma Ex-Contingent workman engaged in seismic survey work through their Geophysical Party w.e.f. 01.07.2001 in presents of settlement dated 27/28.2.2001, is legal and justified? What relief the concerned workman is entitled to?"

The case of the claimant/workman in brief, is that he had been working as casual contingent workman under ONGC, Tripura since 01.02.1982 to work in the seismic survey section under geophysical Party No. 27 along with other workmen. But the management did not consider their genuine case for appointment on regular basis despite repeated request. On 31.7.01 the Hon'ble Gauhati High Court passed an order and judgment directing the authority to take proper step for appointment of the workmen on regular basis and also to absorb the retrenched workers in service till their services are regularized and their contingent employment should be allowed for the maximum days in a year. Despite the above order of the Hon'ble High Court the management did not regularize the workmen rather the present workman has been retrenched from service in July, 2001 without assigning any reason thereof, and the management in order to avoid the statutory obligation as provided u/s 25(F) of the I.D. Act 1947 allowed the workmen to work 236 days in each calendar year and thereby the management deliberately exercised unfair labour practice. A Memorandum of settlement was arrived at on 27/28.01.2001 between the Management of ONGC & the workers' Union & the Hon'ble High Court decided the issue of regularization in terms of the said settlement. But the management have not complied with the terms of the said settlement. Hence, the workman prayed to adjudicate the present reference by pronouncing an award in favour of the claimant/workman.

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The workman submitted his claim statement along with the supporting documents. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 20.01.2014 stating that they have moved before the Hon'ble Gauhati High Court assailing, inter-alia, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.13 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 7372/13. Accordingly the proceeding of this reference was stayed with effect from 20.01.2014 until further order.

On persusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7372/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commission (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no. relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 731.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएनजीसी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 31/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं एल-30012/54/2011-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 731.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 31/2013 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Guwahati as shown in the Annexure, in the industrial dispute between the management of O.N.G.C. Limited and their workmen, which was received by the Central Government on 23/03/2015.

[No. L-30012/54/2011-IR(M)]  
JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

**Present:** Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,  
CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—  
The Management of ONGC Limited, Kolkata,

Vs.

Their Workman Sri Shankar Ch. Das, Tripura (West).

Ref. Case No. 30 of 2013.  
Copy of order dated 19.02.2015

#### ORDER

02.02.2015

The Case Record up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013 (4) W.P. (C) No. 7385 of 2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case and 44 nos. of other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P./management) and the workman Shri Shankar Chandra Das, Tripura (West) (Claimant/ workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry adjudication vide their No. F. No. L-30012/54/2011-IR(M), dated 26.06.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Shri Shankar Chandra Das, S/o Late Sh. Suresh Chandra Das, Ex-Contingent workman engaged in seismic survey

work through their Geophysical Party w.e.f. 01.07.2001 in presence of settlement dated 27/28.2.2001, is legal and justified? What relief the concerned workman is entitled to?"

The case of the claimant/workman in brief, is that he had been working as casual contingent workman under ONGC, Tripura since 1983-84 to work in the seismic survey section under geophysical Party No. 27 along with other workmen. But the management did not consider their genuine case for appointment on regular basis despite his long 20 years of unblemished, dedicated service rendered to the Management. The Hon'ble Gauhati High Court passed an order and judgment and decided the said issue in terms of Memorandum of Settlement dt. 27/28.01.2001 executed by & between the Management & their workmen signed before the R.L.C.(C), Guwahati, Despite the above order of the Hon'ble High Court the management did not regularize the workmen rather the present workman has been retrenched from service in July, 2001 without assigning any reason thereof, and the management in order to avoid the statutory obligation as provided u/s 25(F) of the I.D. Act 1947 allowed the workmen to work 234/236 days in each calendar year and thereby the management deliberately exercised unfair labour practice. In fact, the workman worked for more than 240 days on an average every year. Thus the management have not complied with the terms of the said settlement. Hence, the workman prayed to adjudicate the present reference by passing an award in favour of the claimant/workman.

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The workman submitted his claim statement along with the supporting documents. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 24.01.2014 stating that they have moved before the Hon'ble Guwahati High Court assailing, inter-alia, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.13 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 7372/13. Accordingly the proceeding of this reference was stayed with effect from 24.01.2014 until further order.

On perusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7372/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum

of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commission (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no. relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 732.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएनजीसी लिमिटेड के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 32/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं एल-30012/55/2011-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 732.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 32/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of O.N.G.C. Limited and their workmen, received by the Central Government on 23/03/2015.

[No. L-30012/55/2011-IR(M)]

JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

Present: Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,  
CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—  
The Management of ONGC Limited, Kolkata,

Vs.

Their Workman Sri Swadesh Ch. Choudhury,  
Tripura (West).

Ref. Case No. 32 of 2013.  
Copy of order dated 02.03.2015

#### ORDER

02.03.2015

The Case Record up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013(4) W.P. (C) No. 7385 of 2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case and 44 nos. of other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman ShriSwadesh Ch. Choudhury, Tripura (west) (Claimant/ workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry adjudication vide their No. F. No. L-30012/55/2011-IR(M), dated 26.06.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Shri Swadesh Chandra Choudhury S/o Late Sh. Surendra Chandra Choudhury, Ex-Contingent workman engaged in seismic survey work through their Geophysical Party w.e.f. 01.07.2001 in present of settlement dated 27/28.1.2001, is legal and justified? What relief the concerned workman is entitled to?"

The case of the claimant/workman in brief, is that he had been working as casual contingent workman under ONGC, Tripura since 1981-82 to work under geophysical Party No. 27 along with other workmen. But the management did not consider their genuine case for appointment on regular basis despite his long 20 years of unblemished, dedicated service rendered to the Management. The Hon'ble Gauhati High Court passed an order and judgment and decided the said issue in terms of Memorandum of Settlement dt. 27/28.01.2001 executed by & between the Management & their workmen signed before the R.L.C.(C), Guwahati, Despite the above order of the Hon'ble High Court the management did not regularize the workmen rather the present workman has been retrenched from service in July, 2001 without assigning any reason thereof, and the management in order to avoid the statutory obligation as provided u/s 25(F) of the I.D. Act 1947 allowed the workmen to work 234/235 days in each calendar year and thereby the management deliberately exercised unfair labour practice. In fact, the workman worked for more than 240 days on an average in every, year. Thus, the management have not complied with the terms of the said settlement. Hence, the workman prayed to adjudicate the present reference by pronouncing an award in favour of the claimant/workman.

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The workman submitted his claim statement along with the supporting documents. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 24.01.2014 stating that they have moved before the Hon'ble Guwahati High Court assailing, inter-alia, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.13 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 7372/13. Accordingly the proceeding of this reference was stayed with effect from 24.01.2014 until further order.

On persusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgment and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7372/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 733.**—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएन्जीएसी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 36/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं. एल-30012/66/2011-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 733.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 36/2013) of the Central Government Industrial Tribunal/Labour Court, Guwahati now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of O.N.G.C. Limited and their workmen, which was received by the Central Government on 23/03/2015.

[No. L-30012/66/2011-IR(M)]  
JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, GUWAHATI.

**Present:** Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,  
CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—

The Management of ONGC Limited, Kolkata,

Vs.

Their Workman Sri Biplab Bhattacharjee, Tripura (West).

Ref. Case No. 36 of 2013.  
Copy of order dated 02.03.2015

#### ORDER

02.03.2015.

The Case Record put up today alongwith the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgment and order (oral) passed by the Hon'ble Guwahati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013 (4) W.P.(C) No. 7385/2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case and 44 nos. of other reference case in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman Shri Biplab Bhattacharjee, Tripura (west) (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication *vide* their No. F. No. L-30012/66/2011-IR(M), dated 26.06.13. The schedule of this reference is as under:

“Whether the action of the management of ONGC Ltd., in terminating the services of workman Shri Biplab Bhattacharjee, S/o Late Sh. Chittaranjan Bhattacharjee, Ex- Contingent workman engaged in seismic survey work through their Geophysical Party w.e.f. 01.07.2001 in present of settlement dated

27/28.01.2001, is legal and justified? What relief the concerned workman is entitled to?"

The case of the claimant/workman as it appears from the claim statement, in brief, is that he had been working as casual contingent workman under ONGC, Tripura since 1982-83 to work in the seismic survey section under Geophysical Party No. 27/31 along with other workmen. But the management did not consider their genuine case for appointment on regular basis despite his long 20 years of unblemished, dedicated service rendered to the Management. The Hon'ble Guwahati High Court passed an order and judgement and decided the said issue in terms of Memorandum of Settlement dt. 27/28.01.2001 executed by & between the Management & their workmen signed before the R.L.C. (C), Guwahati. Despite the above order of the Hon'ble High Court the management did not regularize the workmen rather the present workman has been retrenched from service from July 2001 without assigning any reason thereof, and the management in order to avoid the statutory obligation as provided u/s 25(F) of the I.D. Act 1947 allowed the workmen to work 236 days in each calendar year with few interval breaks, and thereby the management deliberately exercised unfair labour practice. In fact, the workman worked for more than 240 days on an average in every year. Thus the management have not complied with the terms of the said settlement. Hence, the workman prayed to adjudicate the present reference by pronouncing an award in favour of the claimant/workman.

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The workman submitted his claim statement along with the supporting documents. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 13.01.2014 stating that they have moved before the Hon'ble Guwahati High Court assailing, *inter-alia*, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.13 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 7372/13. Accordingly the proceeding of this reference was stayed w.e.f 13.01.2014 until further order.

On perusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7372/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same

having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 734.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएन्जीएसी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 37/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं. एल-30012/67/2011-आई आर (एम)]  
जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 734.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 37/2013) of the Central Government Industrial Tribunal/Labour Court, Guwahati now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of O.N.G.C. Limited and their workmen, which was received by the Central Government on 23/03/2015.

[No. L-30012/67/2011-IR(M)]  
JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI.

Present: Shri L.C. Dey, M.A., LL.B.,  
Presiding Officer,  
CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—  
The Management of ONGC Limited, Kolkata,  
Vs  
Their Workman Sri Ajit Kumar Saha, Tripura (West).

Ref. Case No. 37 of 2013.  
Copy of order dated 02.03.2015

**ORDER**

02.03.2015.

The Case Record put up today along with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgment and order (oral) passed by the Hon'ble Guwahati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013 (4) W.P.(C) No. 7385/2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case and 44 nos. of other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman Shri Ajit Kumar Saha, Tripura (west) (Claimant/ workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication column *vide* their No. F. No. L-30012/67/2011-IR(M), dated 26.06.13. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Shri Ajit Kumar Saha, S/o Late Sh. Lalit Mohan Saha, Ex-Contingent workman engaged in seismic survey work through their Geophysical Party w.e.f. 01.07.2001 in presence of settlement dated 27/28.01.2001, is legal and justified? What relief the concerned workman is entitled to?"

The case of the claimant/workman, as it appears from the claim statement, in brief, is that he had been working as casual contingent workman under ONGC, Tripura since 1981-82 to work in the seismic survey section under Geophysical Party No. 27/31 along with other workmen. But the management did not consider their genuine case for appointment on regular basis despite his long 20 years of unblemished, dedicated service rendered to the Management. The Hon'ble Gauhati High Court passed an order and judgment and decided the said issue in terms of Memorandum of Settlement dt. 27/28.01.2001 executed by & between the Management & their workmen signed before the R.L.C. (C), Guwahati. Despite the above order of the Hon'ble High Court the management did not regularize the workmen rather the present workman has been retrenched from service in 2001 without assigning any reason thereof, and the management in order to avoid the statutory obligation as provided u/s 25(F) of the I.D. Act 1947 allowed the workmen to work 233/234 days in each calendar year and thereby the management deliberately exercised unfair labour practice. In fact, the workman worked for more than 240 days on an average in every year. Thus the management have not complied with the terms of the said settlement. Hence, the workman prayed to adjudicate the present reference by passing an award in favour of the claimant/ workman.

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The workman submitted his claim statement along with the supporting documents. During pendency of this proceeding the management after obtaining time on few dates submitted a petition on 20.01.2014 stating that they have moved before the Hon'ble Guwahati High Court assailing, *inter-alia*, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.13 passed by the Hon'ble Gauhati High Court in W.P.(C) No. 7372/13. Accordingly the proceeding of this reference was stayed w.e.f 20.01.2014 until further order.

On persusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7372/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no. relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 735.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ओएनजीसी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 38/2013)को प्रकाशित करती है जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं. एल-30012/68/2011-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 735.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 38/2013 of the Central Government Industrial Tribunal/Labour Court, Guwahati now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23/03/2015.

[No. L-30012/68/2011-IR(M)]

JOHAN TOPNO, Under Secy.

**ANNEXURE**

**IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, GUWAHATI**

**Present:** Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,  
CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—  
The Management of ONGC Limited, Kolkata,  
Vs

Their Workman Sri Nipendra Choudhury, Tripura (West).

Ref. Case No. 38 of 2013.

Copy of order dated 25.02.2015

**ORDER**

25.02.2015.

The Case Record put up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgment and order (oral) passed by the Hon'ble Guwahati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013 (4) W.P.(C) No. 7385 of 2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case and 47 other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman Shri Nipendra Choudhury, Tripura (west) (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry *vide* their No. F. No. L-30012/68/2011-IR(M), dated 26.06.13. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Shri Nipendra Choudhury, S/o Late Sh. Suresh Ch. Choudhury, Ex- Contingent workman engaged in seismic survey work through their Geophysical Party *w.e.f.* 01.07.2001 in presence of settlement dated 27/28.01.2001, is legal and justified? What relief the concerned workman is entitled to?"

The case of the claimant/workman as it appears from the claim statement, in brief, is that he had been working as casual contingent workman under ONGC, Tripura since 1982-83 to work under Geophysical Party No. 27 along with other workmen and continuously worked for a period of 200 days on an average in every year with few intentional breaks and he was terminated from July 2001. But the management did not consider their genuine case for appointment on regular basis despite his long 20 years of unblemished, dedicated service rendered to the Management. The Hon'ble Guwahati High Court passed an order and judgement and decided the said issue in terms of Memorandum of Settlement dt. 27/28.01.2001 executed by and between the Management and their workmen signed before the R.L.C. (C), Guwahati. Despite the above order of the Hon'ble High Court the management did not regularize the workmen rather the present workman has been retrenched from service on 2001 without assigning any reason thereof, and the management in order to avoid the statutory obligation as provided u/s 25(F) of the I.D. Act 1947 allowed the workmen to work less than 240 days in each calendar year and thereby the management deliberately exercised unfair labour practice. Hence, the workman prayed to adjudicate the present reference by pronouncing an award in favour of the claimant/workman.

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The workman submitted his claim statement along with the supporting documents. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 20.01.2014 stating that they have moved before the Hon'ble Guwahati High Court assailing, *inter-alia*, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.13 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 7372/13. Accordingly the proceeding of the reference was stayed *w.e.f.* 20.01.2014 until further order.

On perusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7372/13 dated 18.11.14, it appears that the Hon'ble Gauhati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to

raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting. No relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 736.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएनजीसीलिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 43/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं एल-30012/27/2012-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 736.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 43/2013) of the Cent. Govt. Indus. Tribunal/Labour Court, Guwahati now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23.03.2015.

[No. L-30012/27/2012-IR(M)]

JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI.

**Present:** Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,  
CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—  
The Management of ONGC Limited, Kolkata,

Vs

Their Workman Sri Braja Kr. Deb Barma, Tripura (West).

Ref. Case No. 43 of 2013.  
Copy of order dated 23.03.2015

#### ORDER

23.02.2015. The Case Record put up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgment and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013 (4) W.P.(C) No. 7385/2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case (No. 43/2013) along with 47 nos. of other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman Shri Braja Kr. Deb Barma, Tripura (west) (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication *vide* their No. F. No. L-30012/27/2012-IR(M), dated 23.08.13. The Schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Shri Braja Kr. Deb Barma, Ex-Contingent workman engaged in seismic survey work through their Geophysical Party w.e.f. 01.07.2001 in presence of settlement dated 27/28.01.2001, is legal and justified? What relief the concerned workman is entitled to?"

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 13.01.2014 stating that they have moved before the Hon'ble Guwahati High Court assailing, *inter-alia*, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.13 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 7385/13. Accordingly the proceeding of the reference was stayed w.e.f 23.01.2014 until further order.

On persusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7385/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act, 1947 conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th

January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting. No relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 737.**—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ऑफिसीलिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 42/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-03-2015 को प्राप्त हुआ था।

[सं. एल-30012/16/2012-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 737.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 42/2013) of the Central Government Industrial Tribunal/Labour Court, Guwahati now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23.03.2015.

[No. L-30012/16/2012-IR(M)]  
JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

**Present:** Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,

CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—

The Management of ONGC Limited, Kolkata

Vs

Their Workman Sri Ram Narayan Chakraborty, Tripura (West).

Ref. Case No. 42 of 2013.  
Copy of order dated 23.02.2015

#### ORDER

23.02.2015

The Case Record put up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013(4) W.P. (C) No. 7385 of 2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case (No. 42/2013) along with 47 nos. of other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/ management) and the workman Sri Ram Narayan Chakraborty, Tripura (West) (Claimant/Workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication vide their No. F. No. L-30012/16/2012-IR(M), dated 23.08.2013. The Schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Sri Ram Narayan Chakraborty, Ex-Contingent workman enaged in seismic survey work through their Geophysical Party w.e.f. 01.07.2001 in presence of settlement dated 27/28.1.2001, is legal and justified? What relief the concerned workman is entitled to?"

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 23.01.2014 stating that they have moved before the Hon'ble Guwahati High Court assailing, inter-alia, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.13 passed by the Hon'ble Gauhati High Court in W.P.(C) No. 7385/13. Accordingly the proceeding of the reference was stayed with effect from 23.01.2014 until further order.

On persusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7385/13 dated 18.11.14, it appears that the Hon'ble Gauhati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act, 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all

the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting No relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 738.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओपनॉजीसी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 44/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-03-2015 को प्राप्त हुआ था।

[सं एल-30012/15/2012-आईआर (एम)]  
जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 738.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 44/2013 of the Central Government Industrial Tribunal/Labour Court, Guwahati now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23.03.2015.

[No. L-30012/15/2012-IR(M)]  
JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

**Present:** Shri L.C. Dey, M.A., LL.B.,  
Presiding Officer,  
CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—  
The Management of ONGC Limited, Kolkata

Vs

Their Workman Sri Sujit Kr. Bhadra, Tripura (West).

Ref. Case No. 44 of 2013.  
Copy of order dated 23.02.2015

#### ORDER

23.02.2015.

The Case Record put up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013(4) W.P. (C) No. 7385/2013 by which the Hon'ble Gauhati High Court has been pleased to dispose of the instant reference case (No. 44/2013) along with 47 Nos. of other reference case in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman Sri Sujit Kumar Bhadra, Tripura (West) (Claimant/Workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication vide their No. F.No. L-30012/15/2012-IR(M), dated 23.08.2013. The Schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Sri Sujit Kr. Bhadra, Ex-Contingent workman engaged in seismic survey work through their Geophysical Party w.e.f. 01.07.2001 in present of settlement dated 27/28.1.2001, is legal and justified? What relief the concerned workman is entitled to?"

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. During pendency of this proceeding the management after obtaining time on few dates submitted a petition on 24.12.2013 stating that they have moved before the Hon'ble Guwahati High Court assailing, inter alia, the order or reference and the subsequent notice issued thereupon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.13 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 7385/13. Accordingly the proceeding of the reference was stayed with effect from 24.12.2013 until further order.

On perusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7385/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act, 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to

raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 739.**—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएनजीसीलिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 45/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-03-2015 को प्राप्त हुआ था।

[सं एल-30012/17/2012-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 739.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 45/2013 of the Central Government Industrial Tribunal/Labour Court, Guwahati now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23.03.2015.

[No. L-30012/17/2012-IR(M)]

JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

**Present:** Shri L.C. Dey, M.A., LL.B.,  
Presiding Officer,  
CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—

The Management of ONGC Limited, Kolkata

Vs

Their Workman Sri Shankar Kumar Shil, Tripura (West).

Ref. Case No. 45 of 2013.  
Copy of order dated 23.02.2015

#### ORDER

23.02.2015

The Case Record put up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the

Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Guwahati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013 (4) W.P. (C) No. 7385/2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case (No. 45/2013) along with 47 nos. of other reference case in the matter of an Industrial Dispute between the Management of ONGC Ltd., Kolkata (O.P/management) and the workman Sri Shankar Kumar Shil, Tripura (West) (Claimant/Workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication vide their No. F. No. L-30012/17/2012-IR(M), dated 23.08.2013. The Schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Sri Shankar Kumar Shil, Ex-Contingent workman engaged in seismic survey work through their Geophysical Party w.e.f. 01.07.2001 in presence of settlement dated 27/28.1.2001, is legal and justified? What relief the concerned workman is entitled to?"

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. During pendency of this proceeding the management after obtaining time on few dated submitted a petition on 24.12.2013 stating that they have moved before the Hon'ble Guwahati High Court assailing, inter-alia, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.13 passed by the Hon'ble Guwahati High Court in W.P.(C) No. 7385/13. Accordingly, the proceeding of the reference was stayed with effect from 24.12.2013 until further order.

On perusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7385/13 dated 18.11.14, it appears that the Hon'ble Gauhati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act, 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no

reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 740.**—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएन्जीएसी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 47/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं. एल-30012/10/2012-आईआर (एम)]  
जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 740.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 47/ 2013) of the Central Government Industrial Tribunal/Labour Court, Guwahati now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23/03/2015.

[No. L-30012/10/2012-IR(M)]  
JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

Present: Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,  
CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—

The Management of ONGC Limited, Kolkata,

Vs

Their Workman Sri Ratan Chandra Das, Tripura (West).

Ref. Case No. 47 of 2013.  
Copy of order dated 23.02.2015

#### ORDER

23.02.2015.

The Case Record put up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013(4) W.P. (C) No. 7385/2013 by which the Hon'ble Guwahati High Court has been pleased to dispose of the instant reference case (No. 47/2013) along with 47 nos. of other reference case in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/ management) and the workman Sri Ratan Chandra Das, Tripura (West) (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication vide their No. F. No. L-30012/10/2012-IR(M), dated 22.08.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Sri Ratan Chandra Das, S/o Late Manmohan Das, Ex-Contingent workman enaged in seismic survey work through their Geophysical Party w.e.f. 01.07.2001 in present of settlement dated 27/28.1.2001, is legal and justified? What relief the concerned workman is entitled to?"

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. During pendency of this proceeding the management after obtaining time on few dates submitted a petition on 06.01.2014 stating that they have moved before the Hon'ble Gauhati High Court assailing, inter-alia, the order or reference and the subsequent notice issued thereupon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.13 passed by the Hon'ble Gauhati High Court in W.P.(C) No. 7381/13. Accordingly the proceeding of the reference was stayed with effect from 06.01.2014 until further order.

On perusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7381/13 dated 18.11.14, it appears that the Hon'ble Gauhati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and

the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 741.—**ओैद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ओैनॉजीएसी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओैद्योगिक विवाद में केन्द्रीय सरकार ओैद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 46/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं० एल-30012/18/2012-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 741.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 46/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Guwahati now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of O.N.G.C. Limited and their workmen, which was received by the Central Government on 23/03/2015.

[No. L-30012/18/2012-IR(M)]

JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL— CUM-LABOUR COURT, GUWAHATI

**Present:** Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,

CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—

The Management of ONGC Limited, Kolkata,

Vs.

Their Workman Sri Narayana Chandra Das, Tripura (West).

*Ref. Case No. 46 of 2013.*

*Copy of order dated 23.02.2015*

#### ORDER

23.02.2015

The Case Record up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgment and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P.(C) No. 7381 of 2013 (4) W.P. (C) No. 7385/ 2013 by which the Hon'ble Gauhati High Court has been pleased to dispose of the instant reference case (No. 46/2013) along with 47 Nos. other reference case in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman Sri Narayan Chandra Das, Tripura (West) (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication *vide* their No. F. No. L-30012/18/2012-IR(M), dated 23.08.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Shri Narayan Ch. Das, Ex-Contingent workman engaged in seismic survey work through their Geophysical Party *w.e.f.* 01.07.2001 in presence of settlement dated 27/28.01.2001, is legal and justified? What relief the concerned workman is entitled to?"

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. During pendency of this proceeding the management after obtaining time on few dates submitted a petition on 06.01.2014 stating that they have moved before the Hon'ble Gauhati High Court assailing, *inter-alia*, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.13 passed by the Hon'ble Gauhati High Court in W.P.(C) No. 7385/13. Accordingly the proceeding of the reference was stayed with effect from 06.01.2014 until further order.

On persual of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7385/13 dated 18.11.14, it appears that the Hon'ble Gauhati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived

at u/s 12(3) of the I.D. Act 1947 in conciliatin proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 742.**—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएनजीसीलिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 48/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं. एल-30012/11/2012-आईआर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 742.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 48/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Guwahati now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, which was received by the Central Government on 23/03/2015.

[No. L-30012/11/2012-IR(M)]

JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

**Present:** Shri L.C. Dey, M.A., LL.B.,

Presiding Officer,  
CGIT-Cum-Labour Court, Guwahati.

In the matter of an Industrial Dispute between:—  
The Management of ONGC Limited, Kolkata,  
Vs.

Their Workman Sri Tarun Kr. Ghosh, Tripura (West).

*Ref. Case No. 48 of 2013.  
Copy of order dated 24.02.2015*

#### ORDER

24.02.2015

The Case Record up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) W.P. (C) No. 7381 of 2013(4) W.P. (C) No. 7385 of 2013 by which the Hon'ble Gauhati High Court has been pleased to dispose of the instant reference case (no. 48/2013 along with 47 Nos. of other reference cases in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P. management) and the workman Sri Tarun Kr. Ghosh, Tripura (west) (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication vide their No. F. No. L-30012/11/2012-IR(M), dated 23.08.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Sri Tarun Kr. Ghosh, S/o Shri A.C. Ghosh, Ex-Contingent workman enaged in seismic survey work through their Geophycial Party w.e.f. 01.07.2001 in presence of settlement dated 27/28.01.2001, is legal and justified? What relief the concerned workman is entitled to?"

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The learned Advocate for the workman appeared and prayed for adjournment for filling Claim Statement but no claim statement filed by the workman. During pendency of this proceeding the management after obtaining time on few dates submitted a petition on 07.01.2014 stating that they have moved before the Hon'ble Gauhati High Court assailing, inter-alia, the order or reference and the subsequent notice issued there upon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.13 passed by the Hon'ble Gauhati High Court in W.P.(C) No. 7381/13. Accordingly the proceeding of the reference was stayed with effect from 07.01.2014 until further order.

On persusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7381/13 dated 18.11.14, it appears that the Hon'ble Gauhati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the

subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding culminating from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no relief to the workman.

Let a copy of this order be forwarded to the Ministry for information and necessary order.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 743.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएन्जीएसी-लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 49/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/03/2015 को प्राप्त हुआ था।

[सं एल-30012/12/2012-आईआर (एम)]  
जोहन तोपनो, अवर सचिव

New Delhi, the 1st April, 2015

**S.O. 743.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 49/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Guwahati now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of O.N.G.C. Limited and their workman, received by the Central Government on 23/03/2015.

[No. L-30012/12/2012-IR(M)]  
JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI

Present: Shri L.C. Dey, M.A., LL.B.,  
Presiding Officer,  
CGIT-Cum-Labour Court, Gauhati.

In the matter of an Industrial Dispute between:—

The Management of ONGC Limited, Kolkata,

Vs

Their Workman Sri Rabindra Saha, Tripura (West).

Ref. Case No. 49 of 2013.

Copy of order dated 24.02.2015

#### ORDER

24.02.2015

The Case Record up today with the order No. F. No. L-30012/45/2011-IR(M) dated 13.1.2015 from the Ministry of Labour and Employment along with a copy of the judgement and order (oral) passed by the Hon'ble Gauhati High Court on 18.11.2014 in (1) W.P.(C) No. 5958 of 2013 (2) W.P.(C) No. 7372 of 2013 (3) P.W.(C) No. 7381 of 2013(4) W.P. (C) No. 7385 of 2013 by which the Hon'ble Gauhati High Court has been pleased to dispose of the instant reference case (No. 49/2013) along with 47 nos. of other reference case in the matter of an Industrial Dispute between the Management of ONGC Ltd. Kolkata (O.P/management) and the workman Sri Rabindra Saha, Tripura (West) (Claimant/workman).

This dispute arose between the employer in relation to the management of ONGC Ltd. and their workmen and the said dispute was referred to by the Ministry for adjudication *vide* their No. F. No. L-30012/12/2012-IR(M), dated 22.08.2013. The schedule of this reference is as under:

"Whether the action of the management of ONGC Ltd., in terminating the services of workman Shri Rabindra Saha, S/o Late Lalit Mohan Saha, Ex-Contingent workman engaged in seismic survey work through their Geophysical Party *w.e.f.* 01.07.2001 in present of settlement dated 27/28.01.2001, is legal and justified? What relief the concerned workman is entitled to?"

On receipt of the order of reference from the Ministry this reference case was registered and notices were issued upon both the parties who appeared before this Tribunal. The learned Advocate for the workman appeared and prayed for adjournment for filing Claim Statement but no claim statement filed by the workman. During pendency of this proceeding the management after obtaining time on few dates submitted a petition on 07.01.2014 stating that they have moved before the Hon'ble Gauhati High Court assailing, *inter-alia*, the order or reference and the subsequent notice issued thereupon and the Hon'ble High Court passed an interim order dated 18.12.13 staying the further proceeding of the reference. The management also submitted a copy of the order dated 18.12.13 passed by the Hon'ble Gauhati High Court in W.P.(C) No. 7381/13. Accordingly the proceeding of the reference was stayed with effect from 07.01.2014 until further order.

On perusal of the letter dated 13.1.15 issued by the Ministry of Labour and Employment along with the copy of the judgement and order (oral) passed by the Hon'ble High Court in Writ Petition No. W.P.(C) No. 7381/13 dated 18.11.14, it appears that the Hon'ble Guwahati High Court has been pleased to allow the Writ Petitions preferred by the management of ONGC challenging the claims of the workmen as well as the order of reference and the subsequent notices issued thereupon by this Tribunal, on the ground that since the memorandum of settlement arrived at u/s 12(3) of the I.D. Act 1947 in conciliation proceeding before the Regional Labour Commissioner (C) on 27th/28th January, 2001 and the same having been acted upon by all the concerned parties, there could not have been any occasion for the workmen involved in the writ petitions to raise a further dispute already stood settled as per the said settlement, and consequently no reference could have been made for adjudication for the issue raised; and set aside and quashed the reference under challenge with observation that consequently, the proceeding from the said reference and pending before the Tribunal-cum-Labour Court shall also stand set aside and quashed.

In view of the above circumstances this reference is disposed of granting no relief to the workman.

L.C. DEY, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 744.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, नं 2, धनबाद के पंचाट (संदर्भ संख्या 68/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/04/2015 को प्राप्त हुआ था।

[सं. एल-20012/23/2012-आईआर (सीएम-1)]

एम् के० सिंह, अनुभाग अधिकारी

New Delhi, 1st April, 2015

**S.O. 744.—**In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 68/2012) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL and their workman, received by the Central Government on 01/04/2015.

[No. L-20012/23/2012-IR (CM-I)]

M.K. SINGH, Section Officer

## ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD

#### PRESENT:

Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

#### REFERENCE NO. 68 OF 2012

**PARTIES:** The Jt. General Secretary, Bahujan Mazdoor Union, Mines Rescue Station, PO; Dhansar, Dhanbad Vs. The General Manager, Sijua Area of M/s. BCCL, PO: Sijua, Distt: Dhanbad Order No. L-20012/23/2012-IR (CM-I) dt. 13.08.2012

#### Appearances:

On behalf of the workman/Union: None

On behalf of the Management: Mr. D.K. Verma, Ld. Advocate

State: Jharkhand Industry : Coal

Dated, Dhanbad, the 4th Feb., 2015

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/23/2012-IR (CM-I) dt. 13.08.2012.

#### SCHEDULE

"Whether the action of the Management of Sandra Bansjora Colliery of M/s. BCCL in terminating the services of Sri Basnati Ram Napit w.e.f. 25.12.2002 is legal and justified? To what relief is the workman concerned entitled?"

2. None appeared for the Union Representative Bahujan Mazdoor Union nor workman Basanti Ram Napit nor any written statement along with any documents filed in the Reference which is related to termination of his service, but Mr. D.K. Verma, Ld. Advocate for the OP/Management is present.

From the perusal of the case record, it is apparent that the Union Representative as well as the workman by his conduct seems to be quite uninterested in contesting the case. Though three Regd. Notices dt. 02.11.12, 20.06.13 and 03.09.13 were issued to the Joint General Secretary, of

the Union concerned on his address noted in the Reference itself, even then no response whatsoever ever came to the Tribunal. This case has all along been pending for filing a written statement along with the documents on behalf of the workman. In this situation, it seems no longer an Industrial Dispute. Hence the case is closed and accordingly an order of No. Dispute Award is passed.

KISHORI RAM, Presiding Officer.

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 745.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं 2, धनबाद के पंचाट (संदर्भ संख्या 202/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/04/2015 को प्राप्त हुआ था।

[सं. एल. 20012/356/1997-आईआर (सी-1)]  
एम० के० सिंह, अनुभाग अनुभाग

New Delhi, the 1st April, 2015

**S.O. 745.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 202/1998) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. BCCL and their workmen, received by the Central Government on 01/04/2015.

[No. L-20012/356/1997-IR (C-I)]  
M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

#### PRESENT:

Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

#### REFERENCE NO. 202 OF 1998

#### PARTIES:

The Secretary,  
Bihar Colliery Kamgar Union,  
Jharnapara, Hirapur, Dhanbad,  
Vs.

The General Manager,  
Bastacolla Area of M/s. BCCL,  
Vikas Bhawan, PO: Jharia,  
Dhanbad  
Order No. L-20012/356/97-IR (C-I)  
dt. 30.11.1998

#### Appearances:

On behalf of the workman/Union: Mr. S.N. Sinha,  
Ld. Advocate  
(now dead)

On behalf of the Management: Mr. U.N. Lal  
Ld. Advocate

State: Jharkhand Industry : Coal

Dated, Dhanbad, the 9th Feb., 2015

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/356/97-IR (C-I) dt. 30.11.1998.

#### SCHEDULE

"Whether the action of the Management in dismissing the services of Smt. Kuili Beldrin, OBR Mazdoor, Kuila Colliery is justified? If not, so, to what relief is the workman concerned entitled?"

On receipt of the Order No. L-20012/356/97-IR(C-I) dt. 30.11.1998 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 202 of 1998 was registered on 31.12.1998 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own respective Ld. Counsels appeared in, and contested the case.

2. The case of Smt. Kuili Beldarin as sponsored by the BCKU is that she had been workwoman as a permanent Mazdoor at Kuiya Colliery since long. But all of a sudden, she had got a letter of her termination on the ground of alleged unauthorized absence. The action of the Management is illegal, arbitrary, unjustified and against the principles of natural justice.

The Union Representative in the rejoinder on her behalf has specifically denied all the allegations of the OP/Management as absolutely false, frivolous and motivated, further stated that she had not received the chargesheet, no question arose for reply. Though she had requested the Management to grant her leave, it was never rejected; it

would be accordingly presumed as her leave accepted by the Management.

3. Whereas challenging the maintainability of the reference, the contra case of the OP/Management is that workwoman Smt. Kuila Beldarin was working as an overburden remover, but she unauthorisedly absented from 05.09.1993 from her duty, amounting to the misconduct under the Certified Standing Orders of the Company applicable to its establishment. She was chargesheeted by the Management for it. She lastly submitted her reply to it on 09.12.1995. After the appointment of Personnel Manager B.K. Jha as the Enquiry Officer and Sri O.P. Singh as the Management Representative respectively by the management for the department enquiry, the Enquiry Officer fairly held the enquiry in presence of the delinquent lady employee in accordance with the principles of natural justice, and submitted his enquiry report with all the enquiry proceeding to the Disciplinary Authority holding her guilty of the charges against her. On consideration of all the relevant factors, the Management decided to dismiss her. Accordingly, she was dismissed from her service for her proved misconduct. The action of the Management in dismissing her from service was legal, and justified. She is not entitled to any relief.

Further alleged by the OP/Management is that the Lady worker had represented before the Conciliation Officer that she was mentally deranged, so she had absented from her duties unauthorisedly that she had the representation to the Management for grant of leave in view of that, but her such plea was rejected as a concoction for defence. Her admitted mental disease had incapacitated her to perform her duties, she was not considered for her employment as the overburden Remover in the Open Cast Workings where there is a risk of life against heavy blasts. Even an intermittent unsound minded workwoman can not be deployed in it. In the situation, the workwoman is not entitled to any relief.

The OP/Management in its simultaneous rejoinder has categorically denied the allegations of the workwoman as wrong, false and baseless.

#### FINDING WITH REASONS

4. In the reference, at the hearing of the preliminary point as to fairness of the domestic enquiry, when the OP/Management produced only certain photocopy of enquiry proceeding in stead of the original one, the Tribunal being dissatisfied with those copies of the original documents held the domestic enquiry unfair and not in accordance with principle of natural justice as per the Order No. 34 dt. 17.5.2006 directng for evidence of the Management on merits. So the OP/Management produced and examined MWI one Prakash Singh, the Leave Clerk of Dewari Colliery, on merits, who was cross-examined by the Court, not by the Union Representative for the workwoman despite waiting for a long time.

5. Mr. U.N. Lal, Learned Counsel for the OP/Management by examining MWI Om Prakash Singh on merits has proved the domestic enquiry held fairly wherein the charge of unauthorized absentism conduct was proved against the delinquent lady employee, who failed to justify her absence from duty by producing any document of her treatment for her mental depression, her dismissal by the Management for the proved misconduct of unauthorized absentism as per the Order dt. 7.05.1996 (Ext M. 6) in view of the grave nature of her misconduct was quite justified. None could appear for the workwoman to argue on her behalf at any time.

6. On perusal and consideration of the materials available on the case record, it appears to be no dispute that the Lady delinquent employee was a permanent employee of the Colliery concerned of M/s BCCL. There is also the indisputable fact that she could not be present on duty from 11.09.1993 due to the loss of her mental balance, for which she had been under treatment by Dr. Mukesh Kumar Sinha, RMA Kanke, at Ranchi from 16.09.1993 to 13.11.1995 as per her application dt. 16.11.1995 with photocopy of her Doctor's Certificate (Ext. M. 7), but she had no proof of any application to the OP/Management except the seven dates of sending the information to the Office of the OP/Management (Ext. M. 8).

Besides there seems no second Show Cause issued by the Management to the Lady employee prior to her dismissal from her service.

Under these circumstances, I find that the penalty of dismissal to the Lady workwoman for her authorized absence is harsh and disproportionate to her misconduct. It is liable to set aside under Se. 11A of the Industrial Dispute Act, 1947.

In result, it is hereby awarded that the action of the Management in dismissing the services of Smt. Kuili Beldarin, OBR Mazdoor, Kuila Colliery is unjustified. She is entitled to her reinstatement in the service of the Company without back wages, but subject to fitness at her Medical Examination by the Apex Medical Board of the Company, otherwise to her legal and final dues.

The OP/Management is directed to implement the Award within one month following its publication in Gazette of India.

KISHORI RAM, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 746.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम

न्यायालय, नं० 2, धनबाद के पंचाट (संदर्भ संख्या 51/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/04/2015 को प्राप्त हुआ था।

[सं. एल. 20012/66/1996-आईआर (सी-1)]  
एम० के० सिंह, अनुभाग अधिकारी

New Delhi, the 1st April, 2015

**S.O. 746.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 51/1997) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. CCL and their workman, received by the Central Government on 01/04/2015.

[No. L-20012/66/1996-IR (C-I)]  
M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

#### PRESENT:

Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

#### REFERENCE NO. 51 OF 1997

#### PARTIES:

Babulal Manjhi,  
By Shri C.S. PATHAK, PO: Topa Colliery,  
Harzaribagh

Vs.

The General Manager  
Topa Colliery of M/s CCL,  
PO: Topa, Distt., Hazaribagh,

Order No. L-20012/66/96-IR (C-I) dt. 03.04.1997

#### Appearances:

On behalf of the workman/Union: Mr. C.S. Pathak,  
Rep. of the  
workman

On behalf of the Management: Mr. M.F. Haque,  
Manager  
(personnel) as  
Management's  
Rep.

State: Jharkhand Industry : Coal

Dated, Dhanbad, the 13th Feb., 2015

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/66/96-IR (C-I) dt. 03.04.1997.

#### SCHEDULE

"Whether the action of the Management of Topa Colliery of M/s CCL, Hazaribagh, in dismissing Shri Babulal Manjhi *w.e.f.* 31.12.1994 if justified? If not, to what relief the concerned workman is entitled?"

On receipt of the Order No. L-20012/66/96-IR(C-I) dt. 03.04.1997 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 51 of 1997 was registered on 15.04.1997 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own respective Representatives appeared and contested the case, under Sec. 36(1) of the Industrial Dispute Act, 1947.

2. The case of workman Babulal Manjhi as stated in his written statement is that he was a permanent employee of Topa Colliery of Central Coalfields Ltd. He is quite illiterate. He had absented from his duty for urgent unavoidable reasons due to sudden serious illness of his son. But the Management without any service of the charge sheet upon him or without any Notice of enquiry, conducted an alleged enquiry and illegally dismissed him from his service against the principle of natural justice. So his dismissal being harsh and disproportionate is liable to set aside or unjustified. Moreover, the workman is a member of Schedule Tribe, so he deserves statutory rights for protection of human right against the unreasonable act of the Management.

The workman in his rejoinder has specifically denied all the allegations of the Management as misleading, malafide, vague and irrelevant. Further stating that all the alleged chargesheet, notice of enquiry and alledged enquiry report were never issued or served upon his nor he nor his any co-worker appeared in the enquiry. The enquiry was a fabrication to deprive him of him of his defence. When the workman reported for his duty on 18.11.1994, his thumb Impression was given by him in his belief of joining his duty. It could not be construed as his reply to the chargesheet. He had no opportunity to know or participate

in the enquiry. Further alleged that the order of dismissal is dt. 6.1.1995, whereas the dismissal was *w.e.f.* 31.12.1994, so punishment could not be retrospective under the law. So his dismissal was quite illegal and unreasonable, as the Enquiry Officer and the Disciplinary Authority conducted themselves in their most casual and arbitrary manner. As such there was no legal and competent order of his dismissal.

3. Whereas the contra case of the OP/Management is that the reference is not legally maintainable and the workman had developed the habit of absenting from his duty unauthorisedly. He was also warned for has unauthorized absentism from 11.02.1993 to 27.05.1993. Even thereafter he was also punished with the stoppage of two increments (stoppage of two Special Piece Rated Allowances) for his again unauthorized absentism from 20.08.1993 to 22.09.1993. When he again began to unauthorisedly absent from his duty *w.e.f.* 3.09.1994, he was issued the chargesheet dt. 13.10.1994 without any justification, he submitted his reply to the chargesheet by admitting his guilty, taking the plea for his absence due to sickness of his son. Finding the explanation of the workman unsatisfactory, the enquiry was set up by the Disciplinary Authority by appointing Shri S. Tiwary, the Dy. Personnel Manager of the Topa Colliery as the Enquiry Officer as per the Memo dt. 19.11.1994 as well as Shri N.K. Vishawakarma, the Under Manager as the Management Representative. The Workman was advised to appoint his co-worker for his defence. On notice of the enquiry, the workman with his co-worker Jay Nath Mahato participated in the departmental enquiry on 29.11.1994. He was given full opportunity for his defence. After the enquiry, the Enquiry Officer submitted his enquiry report, by holding the workman guilty of the charges levelled against him. Thus, the Enquiry was held fairly, properly and in accordance with the principle of natural justice. The workman never raised any objection against any of the Authorities of the enquiry. After due consideration of the enquiry report and entire proceedings, records and relevant factors, the Competent Authority approved for his dismissal. In result, the workman was dismissed from his service *w.e.f.* 31.12.1994 to the intimation of the workman as per the letter dt. 6.1.1995 of the Agent of the Project. The action of the Management was valid, legal and justified.

The OP/Management in its simultaneous rejoinder has categorically denied all the allegations of the workman as incorrect, baseless and imaginary.

#### FINDING WITH REASONS

4. In the instant case at the preliminary point after taking the evidence of both the parties namely MW1 Basant Kumar and WW1 Babul Manjhi respectively, the Tribunal as per Order No. 61 held the domestic enquiry quite fair, proper and in accordance with principle of natural justice. It resulted in hearing the final arguments of both the parties on merits.

Mr. C. S. Pathak, the Union Representative for the workman, has argued that despite giving a reasonable justification by the workman for his unauthorized sudden absence from his duty due to sudden illness and treatment of his own son as replied in his application (Ext. M.3) to the chargesheet dt. 1/3/10.94 (Ext. M.2) as well as in his statement before the Enquiry Officer, the workman's case was unconsidered by the OP/Management and after the enquiry, he was dismissed from his service for his absentism, his dismissal was very harsh to the nature of his misconduct, as he is entitled to reinstatement in the service with back wages, None could appear for the OP/Management for final argument.

On perusal and consideration of the materials available on the case record, I find in the case that no second Show Cause appears to have been issued to the workman prior to the termination of his service. The idea of punishment also, by its very nature of things, includes within its spheres, attempts and efforts to improve the conduct of the offender as the instant employer tried its best towards the illiterate workman in the instant case. The workman appears to have all along reasonably justified his absence from his duty for a month at the relevant time. So the infliction of the dismissal penalty to the delinquent workman for his absence misconduct appears to be harsh and disproportionate to its nature. When the punishment is shocking disproportionate, keeping in view the particular misconduct and the past record no reasonable employer would have imposed in such circumstances, it may be treated as showing victimization or unfair Labour practice as held in the case of Hindustan Construction & Engg. Co. Ltd. Vs. Their workman, 1965(2) SCR 85. In the present circumstances, the dismissal Order dt. 6/7/1/1995 of the OP/Management towards the workman is liable to be set aside under Sec. 11A of the Industrial Dispute Act, 1947.

In result, it is hereby awarded that the action of the Management of Topa Colliery of M/s CCL, Hazaribagh, in dismissing Sri Babul Manjhi *w.e.f.* 31.12.1994 is not justified. Hence; the workman is entitled to reinstatement in his service but without back wages. The OP/Management is directed to implement the Award within one month from the date of its receipt, following its publication by the Government of India in the Gazette.

KISHORI RAM, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 747.—ऑद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण/श्रम न्यायालय, नं. 2, धनबाद के पंचाट (संदर्भ संख्या 24/2002) प्रकाशित करती है जो केन्द्रीय सरकार को 01/04/2015 को प्राप्त हुआ था।**

[सं. एल-20012/578/2001-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st April, 2015

**S.O. 747.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 24/2002 of the Central Government Industrial Tribunal-Cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of the M/s. BCCL and their workman, received by the Central Government on 01/04/2015.

[No. L-20012/578/2001-IR(C-I)]  
M. K. SINGH, Section Officer

## ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD**

## PRESENT:

Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

**REFERENCE NO. 24 OF 2002.**

**PARTIES:** The Organizing Secretary

Rastriya Colliery Mazdoor Sangh, Rajendra Path, Dhanbad  
Vs. Project Officer,  
Bagdigi Colliery of M/s BCCL  
PO: Khasjeenagora, Dhanbad.  
Ministry's Order No. L-20012/578/2001.I.R.  
(C-1) dt. 01-03-2002

### Appearances:

On behalf of the workman/Union : Mr. B.B. Pandey,  
Ld. Advocate.

On behalf of the Management : Mr. D.K. Verma,  
Ld. Advocate.

Dated, Dhanbad, the 17th Feb., 2015

## AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/578/2001.I.R.(C-I) dt. 01.03.2002

## SCHEDEULE

"Whether the action of the Management of Bagdigi Colliery of M/s BCCL in dismissing Sri Ram Saran Paswan from the services of the Company is justified. If not, to what relief is the concerned workman entitled?"

On receipt of the Order No. L-20012/578/2001.I.R. (C-I) dt. 01.03.2002 the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 24 of 2002 was registered on 01.04.2002 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents, in pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties, made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own respective Ld. Counsels appeared in, and contested the case.

2. The case of sponsoring Union for workman Ram Saran Paswan is that he had been working as Pump Khalasi since his employment under the Scheme SC/ST at bagdgi Colliery. He was issued chargesheet dt. 18.11.1999. Despite his satisfactory explanation to the chargesheet the Management held the departmental enquiry against the principles of natural justice, as he was not given sufficient opportunity for his defence. The findings of the Enquiry Officer appreciation the representation of the workman dt 4.3.2001 were perverse, though the workman was earlier also issued a chargesheet of the same and similar nature which could be proved. He was illegally and unjustifiably dismissed by the Management as per order dt. 9.4.2001. So the action of the Management in dismissing him for the service of the company is unjustified. Thus he is entitled to his entitlement with full back wages and consequential benefits.

The workman in his rejoinder has categorically denied all the allegations the OP/Management.

3. Whereas the OP/Management in its written-cum-rejoinder has alleged that the present Reference is unmaintainable in law and facts both. It is also alleged that the Management got a complain that workman is actually Chandrika Paswan S/o Late Musafir Paswan of Village: Adha, PS Chandradeep, Distt: Jamui but not Shri Ram Saran Paswan was issued the chargesheet for the concealment of his identity at the time of his employment and for working in the name of other person amounting to misconduct. The workmen's reply to was not satisfactory. So the Management set up the domestic enquiry to be held by Sr. Personnel Officer S.K. Thakur as the Enquiry Officer, the Enquiry Officer conducted fairly and the domestic enquiry in presence of the workmen. After the enquiry, the Enquiry Officer submitted his report holding the charges leveled against him proved. In view of the serious misconduct, he was dismissed from the services of the Company as per order dt. 9.4.2001 which was legal and justified. The OP/

Management sought for permission to be proved the charges on merits in the case the enquiry at preliminary issue found unfair and improper.

The OP/Management in its rejoinder has specifically denied the allegation of the workman as incorrect and irrelevant.

### FINDING WITH REASONS

4. In course of the hearing at the preliminary issue, the Tribunal as per Order No. 16 dt. 22.12.2005 had held the domestic enquiry as fair, proper and in accordance with the principle of natural justice, hence, it came up for hearing on final arguments of both the parties on merits.

Mr. B.B. Pandey, the Ld. Advocate for the workman submits that in view of the alleged misconduct against workman Ram Saran Paswan for concealment of facts of his identity at the time of employment and for working in the name of other person Ram Saran Paswan despite his original name Chandrika Paswan S/o Late Musafir Paswan of Village: Adha, PS: Chandradeep, Distt: Jamui as stated in the chargesheet dt. 18.1.1999 (Ext. M 3) though no charge could be proved against him substantially as also found by the Enquiry Officer concerned in his enquiry report (Ext. M.8), he was illegally and unreasonably dismissed by the Management from the services of the Company with immediate effect as per the Order dt. 9/9.09.04.2001 (Ext. M.10) as such it has been submitted for the reinstatement of the workman with full back wages.

Just contrary to it, Mr. D.K. Verma, Ld. Counsel for the OP/Management has contended that on the domestic enquiry on complaint of Manti Devi D/o Late Ganga Paswan, who was married to Chandrika Paswan in 1982, it has clearly found, that the alleged workman having his original name Chandrika Paswan S/o Late Musafir Paswan had been working as Ram Saran Paswan by impersonating him. It has also submitted by Mr. Verma that the Service Record of the alleged workman reveals that he had two wives: one aforesaid Manti Devi and Second Fekni Devi. It is settled law that the domestic enquiry warrants theory of preponderance or theory of probability but not the standard of proof as required for a criminal of charge. Further, it has been contended by Mr. Verma, Ld. Counsel for OP/ Management that the Hon'ble Supreme Court was pleased to hold in the case of Ram Pravesh Singh Vs. West Bokaro Colliery (2006), that while appraising the evidences under Sec. 11A of the Industrial Dispute Act, 1947 (herein after referred to as the I.D. Act.), the Tribunal has power to appraise the evidences on the basis of preponderance of probability, so the allegations levelled against the workman was duly proved in the enquiry, though the Enquiry Officer held in the enquiry no proof substantially, he held the identity of the workman was doubtful. Therefore at 2nd Show Cause Notice, the workman was illegally and

unjustifiably dismissed from service in view of the grave nature of his misconduct; and the penalty of dismissal for it was quite proportionate to the nature of the gross-misconduct of the workman.

On the perusal and appreciation of the materials available on the case record, I find it seems no dispute that Manti Devi, the daughter of Late Ganga Paswan who was married to Chandrika Paswan S/o Late Musafir Paswan at Village: Adha (Distt. Mungar) in the year 1982. She appears to have clearly asserted the man working in the name of Ram Saran Paswan at Bagdigi Colliery is aforesaid her husband Chandrika Paswan who belongs to village: Adha where his photo was recognized by the villagers of Adha Gram as the son of Late Musafir Paswan. The materials also reveal that it is her husband Chandrika Paswan who had been serving as Ram Saran Paswan S/o Ganga Paswan of Village Lodna No. 4, PO: Lodna, P.S. Tisra Distt: Dhanbad through impersonation at Bagdigi Colliery. The argument of Mr. Verma appears to be more plausible.

Under these circumstances, I find that the penalty of dismissal to Ram Saran Paswan S/o Ganga Paswan from the service of the Company is quite proportionate to the grave nature of his serious misconduct. It is hereby awarded that the action of the Management of Bagdigi Colliery of M/s BCCL in dismissing the alleged workman Ram Saran Paswan from the services of the company is quite justified. The concerned workman is not entitled to any relief.

KISHORI RAM, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 748.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इस्को के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय नं 2, धनबाद के पंचाट (संदर्भ संख्या 91/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/04/2015 को प्राप्त हुआ था।

[सं. एल.-20012/40/2003-आई आर (सी-1)]

एम.के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st April, 2015

**S.O. 748.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 91/2003) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the management of M/s. TISCO and their workman, received by the Central Government on 01/04/2015.

[No. L-20012/40/2003-IR(C-I)]

M.K. SINGH, Section Officer

## ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD**

## PRESENT:

Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

## **REFERENCE NO. 91 OF 2003**

PARTIES: The Organizing Secretary  
Rastriya Colliery Mazdoor Sangh, Rajendra  
Path, Dhanbad  
Vs. The General Manager, (Collieries)  
Tata Iron & Steel Company Ltd.,  
At/PO: Jamadoba, Dhanbad.  
Order No. L-20012/40/2003.I.R.(C-1)  
dt. 22-08-2003

## Appearances:

On behalf of the workman/Union : Mr. N.G. Arun,  
Ld. Representative  
for workman

On behalf of the Management : Mr. D.K. Verma,  
Ld. Advocate.

Dated, Dhanbad, the 25th Feb., 2015

## AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/40/2003.I.R.(C-I) dt. 22.08.2003.

## SCHEDEULE

"Whether the action of the Management of M/s Tisco in not providing employment to the dependent son of Late Taralal Rajwar is fair and justified? If not, to what relief is the said dependent entitled?"

On receipt of the Order No. L-20012/40/2003.I.R.(C-I) dt. 22.08.2003 of the above mentioned reference from the Government of India, Ministry of Labour and Employment, New Delhi for adjudication of the dispute, the Reference Case No. 91 of 2003 was registered on 06.10.2003 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with

the relevant documents, in pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties, made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own respective Ld. Counsels appeared in, and contested the case.

2. The case of the Sponsoring Rashtriya Colliery mazdoor Sangh for petitioner dependent son of Late Taralal Rajwar is that Late workman had been working as the Electrical Fitter Helper at Malkera Colliery of M/s Tisco Ltd since his appointment on 21.10.1976. In course of his regularly treatment for acute tuberculosis at Jamadoba Hospital of M/s Tisco, the diseased workman turned out to be to its seriously incurable stage. The diseased workman had several times requested the Management for employment of his dependant son, because he was incapable to discharge his duty properly as provided under the provisions of the Company and as practices in vogue in it. The workman in course of his treatment expired on 01.09.1995 at Tata's Central Hospital, Jamadoba, Dhanbad. Though the petitioner even after death of his father made several correspondences the letters dt. 16.12.1995 to the letter dt. 19.07.2000, but the Management motivatedly neither discharged the workman nor periodically forwarded him to the Medical Board for assessment of his disability as provided under the Mines Rules/Act. Yet many outsiders having no legitimate right were illegally given employment in the Company just as to those dependents whose fathers or Guardian had never suffered from any incurable diseases; cancer, T.B., Leprosy, Lunatic or acute one. Despite assurance of the Management to the petitioner and even to the union, the action of the Management in not providing an employment to the petitioner dependent son of Late workman is illegal and unjustified. Finally, the Industrial Dispute raised before the A.L.C. (C), Dhanbad due to its failure in conciliation resulted in the reference for an adjudication.

The Union Representative for the petitioner in his rejoinder has specifically denied all the allegations of the Management, further stating that the petitioner has inherited his right to employment after the death of his father workman, for which the Management is bound by the provisions of the social Security under the NCWA and employment procedure of M/s TISCO.

3. Whereas the contra case of the OP/Management with categorical details is that the Industrial Dispute is unmaintainable in fact and law, as no relationship between petitioner and the Management exists and the demand of employee for a non-employee is not an Industrial Dispute under Sec. 2(k) of the I.D. Act. Such employees desirous for employment of their dependents need to get enrolled the names of their in the Employees' Dependent Register

on completion of their 15-year service in the Steel Company. Then their much dependents are considered for employment in case of vacancy in order of length of service of their guardian employee along with others in preference. As per the Company's employment procedure, one dependent of an employee who resigns or stands discharged on medical ground due to his suffering from T.B., Pneumoconiosis and cancer gets an employment, provided the employee has put in a minimum five years of service, and is below 55 years age at the time of his medical discharge, and name of his dependent is in Employment, Register. The deceased employee during his service neither resigned nor medically discharged on any of the grounds T.B., Pneumoconiosis and cancer. So his dependent petitioner neither is nor can be entitled for employment, as it was not acceded to it by the Management in the joint meeting of the recognized Union and the Management held on 15.03.2002. The Management had already introduced various schemes such VRS/ESS for surplus man power. In the circumstances, the employment opportunity in the establishment of the Management is very limited. Besides, a large number of workmen are already waiting for such employment even after their 30 or more years of services. The demand of the Union is liable to be rejected as meritless.

The OP/Management in their simultaneous rejoinder has categorically denied all the allegations as incorrect, further stating that the management had also considered the case of the workman in the joint meeting of both the parties held in 22.09.2001, and the request of the Union for it was not acceded as per the discussion.

#### FINDING WITH REASONS

4. In the instant reference, WWI Vinash Rajwar, the petitioner son of Late workman for the Union, and MW 1 Sapan Kr. Patra, the Asstt. of Jamadoba GM Office for the OP/Management have been respectively examined.

Petitioner Vinash Rajwar as the dependent son of deceased workman Taralal Rajwar has submitted that his father was working as electrical Fitter Helper at Malkera Colliery of M/s Tisco, the name of petitioner Vinash Rajwar was enrolled in the Employees Dependent Register as per the Management letter dt. 19.03.1997 (Ext. W.1); his father had been suffering from incurable disease, *i.e.*, T.B. and in course of his treatment for long time at Jamadoba Hospital of the Company, he had represented before the Management for his discharge from his service due to his inability to perform his duty properly as well as for an employment in his place, but the workman expired on 01.09.1995 as per his Death Certificate issued by the aforesaid Tata's Central Hospital of Jamadoba (Ext. W.2); thereafter, despite the assurance of the Management on representations for his employment (Ext. W.3 & 3/1), the Management lastly denied the employment of the petitioner as the dependent son of the deceased workman which is

unjustified" as such the petitioner is entitled to his employment in place of his father as per the provisions of the M/s Tisco.

Whereas the contention of Mr. D.K. Verma, the Ld. Advocate for OP/Management is that the Management of M/s Tisco has its own procedure of employment, according, to which every employee of the Company on completion of his 15 years service is entitled to get the name of his dependent enrolled in the E.D.R. (Employee Dependent Register) and his ward is thereafter to get an employment after vacancy on seniority basis. Further it is submitted by Mr. Verma, that as per another provision of the procedure for the employment is that if employee disqualifies for his employment on account of his incurable disease such as TB, Cancer etc. at his periodical Medical examination, his dependent gets such employment; but in the instant case, undoubtedly the Father of the petitioner was not discharged from his service on such medical ground and the Management had also assured of his employment according to his seniority; as such there was no cause of action for the reference, as there is not straightway provisions for employment in the Management according to their provisions.

On perusal of the materials available on the case record, it *prima facie* appears that in the face of the letters dt. 4/8.7.1997 and 2/5.11.1998 (Extt. W.4 series) to Smt. Taruni Devi, W/o deceased workman Taralal Rajwar whereby the Management has instructed that her petitioner son Binash Rajwar would have to wait for his term for his employment along with others against requirement/vacancy in future as per Employment procedure invoke at the relevant time, the Management's decision as per the Minutes of meeting of both the parties dt. 22.09.2001 and 15.03.2002 (Ext. W.3 series) not to accede to the request of the Union in view of the aforesaid circumstances of the case beyond the control of the deceased workman for his acute illness of T.B. and his representation to that effect is quite contrary and arbitrary.

In result, it is awarded that the action of the Management of M/s Tisco in not providing employment to the dependent son (Binash Rajwar which is wrongly noted as Bikash Rajwar in the Minutes) is quite unfair and unjustified. Hence, the dependent son of the deceased workman Taralal Rajwar is entitled to employment in the service of M/s Tisco in the event of requirement/vacancy in the collieries/department of the Company, even by relaxing his age, if any.

KISHORI RAM, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2015

**का.आ. 749.**—आौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक



**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—  
CUM-LABOUR COURT, LUCKNOW****PRESENT:**

Raresh Kumar, Presiding Officer

**I.D. No. 09/2010**

Ref. No. L-42012/144/99-IR(DU) dated: 11.5.2010

**BETWEEN**

Shri Ashok Kumar S/o Shri Raj Kumar  
 H. No. 565/72, Jodha Khera  
 Pooran Nagar, Alambagh  
 Lucknow

**AND**

The Executive Engineer (electric)  
 Division No. 1 (Civil)  
 Civil Nirman Skandh, Akashvani  
 10th Floor, Suchna Bhawan, CGO Complex, Lodhi Road  
 New Delhi-110003

**AWARD**

1. By order No. L-42012/144/99-IR(DU) dated: 11.05.2010 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Shri Ashok Kumar S/o Shri Raj Kumar, H. No. 565/72, Jodha Khera, Pooran Nagar, Alambagh, Lucknow and the Executive Engineer (electric) Division No. 1 (Civil), Civil Nirman Skandh, Akashvani, 10th Floor, Suchna Bhawan, CGO Complex, Lodhi Road, New Delhi for adjudication to this CGIT-Cum-Labour Court, Lucknow.

2. The reference under adjudication is:

"WHETHER THE ACTION OF THE MANAGEMENT OF EXECUTIVE ENGINEER (ELECTRICAL) ALL INDIA RADIO, NAZIBABAD, IN TERMINATING THE SERVICES OF SHRI ASHOK KUMAR W.E.F. 06-06-1988 IS LEGAL AND JUSTIFIED? IF NOT, WHAT RELIEF THE WORKMAN IS ENTITLED TO?"

3. The case of the workman, Ashok Kumar, in brief is that he was appointed as Causal Labour in the office of Executive Engineer (Civil), All India Radio, Lucknow on 02.05.1986 and continued as such up to 30.9.1986 without any break. It is submitted by the workman that thereafter, he was re-engaged in the office of Executive Engineer Nazibabad as Khallasi on Muster Roll w.e.f. 11.06.1987 and worked up to 06.06.1988 on monthly salary of Rs. 875/- It is alleged by the workman that the services of the workman were retrenched w.e.f. 06.06.1988 vide order dated 06.06.1988 without complying with the mandatory provisions of Section 25 F of the Industrial Disputes Act, 1947 i.e. without

notice or notice pay in lieu thereof or any retrenchment compensation since he has worked for more than 240 days in a year. Accordingly, the workman has prayed that his retrenchment/termination be declared illegal and he be reinstated with consequential benefits including full back wages.

4. The management of the All India Radio has filed its written statement; wherein it has denied the claim of the workman and has submitted that the workman had ever been appointed by the Department in any capacity nor has he completed 240 days of working in a year, as such, there was no termination of his services at any point of time. The management has submitted that since the workman never completed 240 days in a year therefore, there arises no question of violation of any of the provisions of the I.D. Act or compliance of provisions of Section 25 F of the I.D. Act, 1947. The management has submitted that the claim of the workman suffers with the vice of delay and lashes as he has preferred the present industrial dispute after a lapse of 22 years. Accordingly, the management has prayed that the claim of the workman be rejected being devoid of any merit.

5. The workman has filed rejoinder wherein apart from reiterating his averments already made in the statement of claim, he has submitted that he has worked for 356 days with the opposite party. On the point of delay the workman has referred to the order dated 26.03.2010 of the Hon'ble High Court, Allahabad, in Writ Petition No. 6575/1999; wherein the petitioner/workman has been given liberty to approach the Central Government with fresh representation within three months and accordingly, he moved the representation before the Central Government vide letter dated 17.04.2010. It is submitted by the workman that on this representation, the Central Government referred the present industrial dispute vide order dated 11.05.2010 to this Tribunal for adjudication, hence there is no delay on the part of workman.

6. The parties have filed documentary evidence in support of their respective pleadings. The workman has examined himself whereas the management has examined Shri L.K. Salgotra, Executive Engineer in support of their respective case. The parties availed opportunity to cross-examine the witnesses of each other apart from forwarding oral arguments.

7. Heard authorized representatives of the parties at length and perused the records available on file.

8. The authorized representative of the workman has contended that the workman has worked continuously for 356 days in a year and accordingly it was mandatory for the management to comply with the provisions of Section 25 F of the Act before retrenching the services of the workman. He has relied on State of U.P. vs. Mahendra Pal Singh & another 2012(2) ALJ 325.

9. In rebuttal, the authorized representative of the opposite party has argued that the workman was neither appointed nor engaged by the management; nor had worked for 240 days in a year; therefore, there arise no question for his retrenchment or compliance of any of the provisions of the Industrial disputes Act, 1947. The management has also contended that the workman has raised the present industrial dispute after a long gap of 22 years, therefore, the same is barred with the law of limitation. He has relied on Secretary, State of Karnataka & others vs. Uma Devi (3) & others (2006) 4 SCC.

10. I have given my thoughtful consideration to the rival contentions of the parties and scanned entire evidence on record in light thereto.

11. The workman has come up with the case that he worked with the opposite party management for more than 240 days in a year even then the management retrenched his services without giving him any notice or notice pay in lieu thereof or any retrenchment compensation, in violation to the provisions of Section 25 F of the Act. He has filed photocopy of following documents:

- (i) Work certificate for the period from 02.05.86 to 30.09.86, paper No. 4/9.
- (ii) Work certificate for the period from 11.6.87 to 6.6.88, paper No. 4/10.
- (iii) The order of retrenchment order dated 06.06.88, paper No. 4/11.
- (iv) Due drawn bill in respect of workman for the period from 11.6.87 to 7.6.88 for Rs. 1560.80 paper No. 4/19.
- (v) Hand receipt for Rs. 1561/- paper No. 4/20.
- (vi) Duplicate receipt for Rs. 1561/- paper No. 4/21.

The workman has also filed additional document vide application dated 23.3.2012 and 05.11.2012, which included photo copy of Muster Roll. The Muster Rolls were obtained through RTI. The relevant documents filed, vide application dated 23.3.2012, are as under:

- (i) Work certificate from 02.05.86 to 30.09.86, paper No. 16/2 & 16/3.
- (ii) Details of working and payment to workman from May, 86 to September, 86, paper No. 16/4.
- (iii) Work certificate from 11.6.87 to 6.6.88, paper No. 16/5.
- (iv) Muster roll for the period from 11.6.1987 to 10.7.87.
- (v) Muster roll for the period from 26.10.1987 to 24.11.87.
- (vi) Muster roll for the period from 22.7.1987 to 20.8.87.
- (vii) Muster roll for the period from 21.8.1987 to 19.9.87.

12. In rebuttal, the management has come up with a clear cut case that the workman is totally stranger to them

as they have neither appointed him nor engaged him nor had he completed 240 days working with them, then there is no question of retrenching his services. When the workman moved an application before this Tribunal, for summoning original records for the relevant period of his working with the management, the management filed photocopy of Muster Roll regarding working of workman with them vide list of documents dated 5.11.2012.

- (i) Muster roll for the period from 11.6.1987 to 10.7.87.
- (ii) Muster roll for the period from 22.7.1987 to 20.8.87.
- (iii) Muster roll for the period from 21.7.1987 to 19.8.87.
- (iv) Muster roll for the period from 26.10.1987 to 24.11.87.

13. It is settled law that when a party invokes the jurisdiction of the Court for favourable orders then burden of proof heavily lies upon it to prove its pleadings. The workman has filed photocopy of work certificates, purported to be issued by the officers of the opposite party but the management has disputed their genuineness. The management has also denied the payment details filed by the workman for the period May 86 to September, 86. The management in its pleadings as well in its evidence has repeatedly submitted that it has never appointed/engaged the workman nor he completed 240 days of working nor his services have been retrenched by it. But when on the application of the workman, this Tribunal directed vide its order dated 25.06.2012 to file muster rolls for the period from 2.5.86 to 30.9.86 and 11.6.87 to 6.6.88, the management filed muster rolls for the intermittent period from i.e. from 11.6.87 to 10.7.87, 22.7.87 to 20.8.87, 21.7.87 to 19.8.87 and 26.10.87 to 24.11.87. The management has not mentioned any reason for non-filing of muster rolls for other period it was ordered to file. From scrutiny of the Muster Rolls it comes out that the management has furnished copy of muster roll for the period from 21.8.87 to 19.9.87 to the workman in reply to the RTI but has not filed the same before this Tribunal in compliance of order dated 25.06.2012. This goes to show that the management is not with the clean hand.

Hon'ble Apex Court in paragraph of 15 of its judgement in Director, Fisheries Terminal Division vs. Bhikubhai Meghajibhai Chavda 2010 AIR SCW 542 has observed as under.

"Applying the principles laid down in the above case by this Court, the evidence produced by the appellants has not been consistent. The appellants claim that the respondent did not work for 240 days. The respondent was a workman hired on a daily wage basis. So it is obvious as this court pointed out in the above case that he would have difficulty in having access to all the official documents, muster rolls etc. in connection with the service. He has come forward and deposed, so in our opinion the burden of proof shifts to the employer/appellants to prove

that he did not complete 240 days of service in the requisite period to constitute continuous service. The witness produced by the appellant stated that the respondent stopped coming to work from February, 1988. The documentary evidence produced by the appellant is contradictory to this fact as it shows that the respondent was working during February, 1989 also. It has also been observed by the High Court that the muster roll for 1986-87 was not completely produced. The appellants have inexplicably failed to produce the complete records and muster rolls from 1985 to 1991, in spite of the direction issued by the Labour Court to produce the same. In fact there has been practically no challenge to the deposition of the respondent during cross-examination. In this regard, it would pertinent to mention the observation of three-Judge Bench of this court in the case of Municipal Corporation, Faridabad vs. Siri Niwas (2004) 8 SCC 195: 2004 AIR SCW 5184, where it is observed:

"A Court of Law even in a case where provisions of the Indian Evidence Act apply, may presume or may not presume that if a party despite possession of the best evidence had not produced the same, it would have against this contentions. The matter, however, would be different where despite direction by a court the evidence is withheld."

Thus, in view of the law pronounced by Hon'ble Apex Court, hereinabove, the burden of proof was on the management to come forward with cogent documentary evidence that the workman did not complete 240 days of service in the requisite period of one year; but the management in order to check the workman has taken the best recourse of denying the appointment/engagement of the workman in any form at any point of time. But very surprisingly it filed the Muster Rools for approximately three months; whereas it supplied muster rolls for the four months to the workman in reply to an RTI application. The production of selective documents/muster rolls by the management before this Tribunal proves malice on the part of the management, who had been time and again reiterating that it neither appointed/engaged the workman nor retrenched him but when it was compelled to file the muster rolls, it filed muster rolls approximately for three months only. Hence, the management utterly failed to discharge the burden that lied upon it, leaving no option but to rely on the photocopy of the documentary evidence in support of the working filed by the wokman.

14. In Surenderanagar Panchayat and another v. Jethabhai Pitamberbhai 2005 (107) FLR 1145 (SC) Hon'ble Apex Court came to the conclusion that the workman could be entitled for the protection of section 25-F of the Industrial Disputes Act, 1947 provided he is successful in establishing the fact that he had been in employment with the employer

for a period of 240 days uninterruptedly in twelve calendar months preceding the date of termination.

In order to prove, continuous 240 days working with the management, the workman has filed number of working certificate, which have been disputed by the management being forged. The management witness, Sri L.K Salgot, in his evidence has stated that the management never appointed the workman nor he worked with it for 240 days nor his services has retrenched at any point of time; but during cross-examination he admitted 120 days working of the workman with the management, hence, the statement made by the management witness is contrary to the pleadings and his evidence, making the pleading non-reliable. The workman has also filed photocopy of the due-drawn bill in respect of the workman for the period 11.6.87 to 07.6.88, paper NO. 4/19. When the management witness was cross-examined over this point, he stated that the paper No. 4/19 is not 'bill' but is 'due drawn statement' and payment is not made against it. He further stated that "Bill pass हुआ था पर भुगतान नहीं हुआ है".

This goes to show that although the bill against due drawn statement was passed but the payment could not be made to the workman for the reasons best known to the management. The above due drawn statement, paper No. 4/19 is due drawn bill of the workman for the period 11.6.1987 to 7.6.88 for 272 days and the management witness has admitted that bill for the period was passed by payment was not made. This fact establishes the working of the workman with the management of the All India Radio for 272 days during the period 11.6.1987 to 7.6.1988.

15. Hon'ble Allahabad High Court in State of U.P. vs Mahendra Pal Singh & another 2010 (2) ALJ 325 while scrutinizing the validity of the award of the Labour Court found that the findings of the Labour Court were not perverse; wherein the Labour Court drawn out a finding that the workman had continuously worked for more than 240 days in calendar months prior to termination of his services; and the termination of services was without any notice and without payment of retrenchment compensation; and accordingly, Hon'ble High Court held that the relief of reinstatement with 60% of back wages, awarded by the Labour Court was justified Hon'ble High Court in para 47.50 of its judgement has referred decision of Hon'ble Apex Court in Krishan Singh vs. Executive Engineer, Haryana State Agricultural Marketing Board, Rohtak (Haryana) (2010) 3 SCC 637 (AIR 2010 SC (Supp) 787 as under:

"47 .....the appellant worked as a daily wager under the respondent from 1.6.1988. His services were terminated in December, 1993. He Served a notice of demand dated 30.12.1997 on the respondent contended that his services were terminated orally without complying with the mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947

(hereinafter referred to as the Act) and that he may be reinstated in service with full back wages from the date of illegal termination and he may be regularized according of the Government policy. The respondent did not respond to the demand made by the appellant and by order dated 23.7.1999, the State Government referred the dispute under Section 10 of the Act to the Labour Court. Thereupon the Labour Court passed the award dated 18.7.2006 holding that the appellant had admittedly completed 267 days from 1.6.1988 to 30th April, 1989 and his services were terminated without any notice or notice pay and without payment of retrenchment compensation and the termination was, therefore in violation of Section 25-F of the Act and the appellant was entitled to be reinstated in his previous post with continuity of service and 50% back wages from the date of demand notice i.e 30.12.1997.

48 The respondent challenged the award of the Labour Court before the High Court of Punjab and Haryana, in writ petition any by order dated 9.12.2008, High Court allowed the said writ petition and set aside the award dated 18.7.2006 of the Labour Court and directed the respondent instead to pay compensation of Rs. 50,000/- to the appellant. Aggrieved by order dated 9.12.2008 of the High Court, the appellant filed appeal before the Apex Court. By placing reliance upon earlier decision rendered by the Apex Court in the case of Harjinder Singh (supra), I allowed the appeal and set aside the impugned order dated 9.12.2008 passed by the High Court and directed that the appellant will be reinstated as a daily wager with 50% back wages forthwith.

49. While dealing with the question of discretionary powers of the Labour Court in para 17 of the decision, Hon'ble Apex Court has observed as under:

"17. Wide discretion is, therefore, vested in the Labour Court while adjudicating an industrial dispute relating to the discharge or dismissal of a workman and if the Labour Court has exercised its jurisdiction in the facts and circumstances of the case to direct reinstatement of a workman with 50% back wages taking into consideration the pleadings of the parties and the evidence on record, the High Court in exercise of its power under Articles 226 and 227 of the Constitution of India will not interfere with the same, except on well settled principles laid down by this Court for a writ of certiorari against an order passed by a court or a tribunal."

50. In the said case while drawing distinction between the cases of this nature and State of Karnataka vs. Umadevi

(2006) 4 SCC 1: (AIR 2006 SC 1806 SC 1806) in para 22 of the said decision Hon'ble Apex Court held as under;

"22. The decision of this Court in State of Karnataka v Umadevi (3) cited by the counsel for the respondent relates to regularization in public employment and has no relevance to an award for reinstatement of a discharged workman passed by the Labour Court under Section 11-A of the Act without any direction for regularization of his services."

16. Thus, in view of the facts and circumstances of the case, discussions made hereinabove and law relied on, it is established that the workman, Ashok Kumar, who was engaged on Muster Roll by the management of All India Radio had worked for more than 240 days in a calendar year preceding the date of his termination and his services have been illegally terminated on 06.06.1988 by the management of the All India Radio without following the mandatory provisions of the Section 25 F of the Industrial Disputes Act, 1947. Therefore, I am of the considered opinion that the workman, Ashok Kumar is entitled for reinstatement with continuity in service along with 60% of back wages within 08 weeks of publication of the award, failing which; the back wages shall carry simple interest @ 8% per annum.

17. The reference is answered accordingly .

Lucknow  
25th March, 2015

RAKESH KUMAR, Presiding Officer

नई दिल्ली, 6 अप्रैल, 2015

**का.आ. 751.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नैशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायलय, चंडीगढ़ के पंचाट (संदर्भ संख्या 5/2008) को प्रकाशित करती है जो केन्द्रीय सरकार को 06/04/2015 को प्राप्त हुआ था।

[सं. एल.-12012/31/2008-आईआर(बी-II)]  
रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th April, 2015

**S.O. 751.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 5/2008 of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure in the Industrial Dispute between the management of Punjab National Bank and their workmen, received by the Central Government on 06/04/2015.

[No. L-12012/31/2008-IR(B-II)]  
RAVI KUMAR, Desk Officer

## ANNEXURE

**BEFORE SHRI SURENDRA PRAKASH SINGH,  
PRESIDING OFFICER, CENTRAL GOVT.  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,  
CHANDIGARH**

Case No. ID 5 of 2008. Reference No. L-12012/31/2008-IR(B-II) dated 30.06.2008.

Shri Charan Singh S/o Sh. Mangal Singh, Village-Dhua Kheri, P.O. Bhagrana, Teh. & Distt. Fatehgarh Sahib Punjab.

...Workman

*Versus*

1. The Senior Regional Manager, Punjab National Bank, R.O. SCO-No. 119-120, Sector-17B, Chandigarh.

...Respondent

**APPEARANCES:**

For the Workman : Shri O.P. Batra, Advocate

For the Management : Shri N.K. Zakhmi Advocate

**AWARD**

Dated: 16-03-2015

Government of India Ministry of Labour *vide* notification L-12012/31/2008-IR(B-II) dated 30.06.2008 has referred the following dispute to this Tribunal for adjudication:

**Term of Reference:**

"Whether the action of the management of Punjab National Bank, Ludhiana in dismissing the services of Shri Charan Singh S/o Shri Mangal Singh, Ex-Security Guard *vide* order dated 01.06.2004 is appropriate to the misconduct and justified? If not, to what relief the concerned workman is entitled to and from which date?"

2. Brief facts of the case according to the workman are that he was appointed as Armed Guard by the bank of Branch Office Gharuan. He was placed under suspension in the year 2001 on the ground that there is a replacing of security form with fake security forms at Branch Office Gharuan. He was issued charge sheet dated 20.03.2003 containing the following charges:—

"While working at B.O. Gharuan, Sh. Charan Singh A/G in connivance with Sh. Naresh Kumar, Peon/Daftri (under suspension) managed to steal the following draft drawing books, TPO books and replaced the same with the fake ones in the stock of security forms of the branch.

Sl.No.	Form No.	Series
S-37	MIGR (2 Books)	RYS-368951-369000
S-38	NON MIGR (1 Book)	RYP-325476-325500
S-1	TPO (1 Book)	RZH-530951-531000

3. An FIR No. 143 dated 06.08.2001 was also lodged against the workman and Naresh Kumar Daftri and other namely Sh. Surjit Singh, Pehlwan, Bhajan Singh, Bittu, Sh. Darshan Singh and Sh. Baldev Singh under Section 454/380, 381/420, 465, 467, 458/471, 20B IPC. The workman was arrested by the Police and presently is on bail facing trial in the Court of Judicial Magistrate First Class, Kharar. No charges have been framed against the workman. Branch Manager PNB Gharuan *vide* letter dated 06.08.2001 informed the SHO Police Station, Gharuan regarding the confession of Sh. Naresh Kumar Daftri (Peon) who was shown as main culprit in the above FIR. It is further pleaded by the workman that he has been falsely implicated in the criminal case due to the fact that the keys of the chest were in power and possession of the Branch Manager Mrs. Daljit Kaur, Senior Cashier and the chest of the bank can not be opened without having two keys of the chest by used simultaneously and workman has remote chances even to see the keys of the chest and it is not possible for the workman to replace the Security Form with fake one. It is further pleaded by the workman that union people from Central Bank of India tried to put pressure upon the police to exonerate Baljit Singh, Peon of Central Bank of India and the workman made to scapegoat as the fake security forms were placed in the chest by the officer incharge of the bank with cashier or with convenience of the higher officers. The workman was charge sheeted in order to put him on road even without waiting of the criminal case. Inquiry was ordered, original inquiry officer R.M. Mittal was replaced and Gurinder Singh was appointed as inquiry officer who without holding proper inquiry, gave the finding against the workman. The inquiry officer admitted the confessional statement of Naresh Kumar and at the same time disbelieve the affidavit of Naresh Kumar. The inquiry officer conducted the inquiry illegally and against the law and proved the charges against the workman without apprising the documents/statement of witnesses. It is further pleaded that inquiry held against the workman is against the inquiry procedure and of rules and justice were placed in waste paper basket by the inquiry officer as no copy of statement of preliminary inquiry, statement of witnesses and documents were ever supplied to the workman. The inquiry officer also failed to appreciate the evidence placed by the workman on record. The inquiry officer conducted the inquiry in utter disregard to the rules of principle of natural justice. The inquiry officer held the inquiry with mala fide intention and with biased attitude in order to shut the mouth of the workman against the Branch Manager who was a corrupt officer. The management was pre determined to dismiss the workman from service. A show cause notice was given to the workman was illegal and void ab initio. The appeal of the workman was also dismissed by the appellate authority without applying its mind independently and inquiry officer conducted sham

inquiry. It is prayed by the workman that as inquiry was not conducted as per the procedure and adhering to the principle of natural justice, and he was not supplied the documents, inquiry officer disbelieve the affidavit of Naresh Kumar who was co accused of the workman in the criminal trial. Therefore, the inquiry is vitiated and the workman may be ordered to be reinstated in service with full back wages alongwith interest on wages. Workman also placed on record photocopy of FIR.

4. Management filed written statement. Preliminary objection has been taken that the workman was dismissed from service after holding fair and proper domestic enquiry. He was served with a charge sheet. The workman was indulged in violation in bank rules and procedure he connived with one Naresh Kumar, Daftri/Peon and managed to steal the drafts and thereafter stolen drafts have been mis-utilized causing huge loss to the respondent bank. The workman replied to the charge sheet and on finding the reply unsatisfactorily, inquiry officer was appointed. Fair and proper inquiry was conducted. The workman was given full opportunity to defend himself during the inquiry. All the documents were supplied to the workman. The disciplinary authority taking into consideration the report of the inquiry officer, issued show cause notice to the workman. He was also allowed personal hearing. Competent authority found no merits in the submission made by the workman and punishment of dismissal from service was inflicted upon the workman which is proportionate to the gross misconduct committed by the workman. Workman filed appeal. The appellate authority after thoroughly applying its mind and after affording personal hearing, rejected the appeal on 18.12.2004. The workman was allowed full opportunity during course of inquiry to prove his innocence. It has also pleaded by the management that the management reserved the right to prove the misconduct of the workman before this Hon'ble Court by leading oral as well as documentary evidence in case this court has find any infirmity in the enquiry. It is also pleaded by the management that inquiry officer considered all the relevant material and facts before coming to the conclusion. The workman was also allowed to lead his evidence. The inquiry was conducted in accordance with the prescribed rules and principle of natural justice. The charges were fully proved and there is no infirmity in the inquiry proceeding. It is also specifically pleaded that criminal proceedings on investigation by the police had no nexus with the claim of the workman. The workman was given show cause notice. He was also given personal hearing by the disciplinary authority. He filed appeal before the appellate authority who also provided him personal hearing and his appeal was rejected by the well speaking order. It is prayed that action of the respondent management is legal, just and

proper in accordance with law and the workman is not entitled to any relief and claim of the workman may be dismissed with cost. Management also placed on record complete inquiry proceedings.

5. While hearing on the fairness of inquiry this Tribunal *vide* order dated 24.11.2009 held as under:—

"On perusal of the enquiry proceedings and the enquiry report, I am of the view that at every stage proper opportunity as per the rules of the department was afforded. Accordingly, at the cost of repetition, I am of the view that enquiry was conducted by the enquiry officer in a fair, proper and reasonable manner and there was no violation of any rules of principle of natural justice."

6. The parties were provided opportunity of evidence on the decision making of the inquiry officer and disciplinary authority along with quantum of punishment. The workman produced Naresh Kumar in evidence. Workman also placed his affidavit on file and also produced one witness Sh. Naresh Kumar who was cross-examined. This witness stated in cross examination that he was charge sheeted for alleged stolen of cheque. He also stated that he never appeared in the departmental inquiry conducted against Charan Singh. Charan Singh did not call him as witness in the inquiry. He further deposed that criminal case has ended in acquittal. He also submitted that he was dismissed after departmental inquiry. The management also placed on record affidavit of Sh. Rajesh Kumar.

7. Arguments have been heard. On behalf of the workman during arguments it is submitted that FIR was lodged against the workman and his accomplice and he was acquitted in criminal trial. The learned counsel for the workman drawn my attention to the judgment dated 22.10.2011 which revealed that all the accused were acquitted of the charges by giving benefit of doubt. It is also submitted by the learned counsel for the workman that as the bank failed to establish its case during criminal trial which ended in acquittal, therefore, the workman is entitled to reinstatement in service with all benefits.

8. On the other hand, learned counsel for the management submitted that the workman along with co-accused had committed gross misconduct and stolen the security forms as mentioned in the charge sheet. This security forms mis-utilized causing huge loss to the tune of Rs. 11,49,000/- to the bank and there is further likelihood on their being misused in future which amounted to gross misconduct. It is further submitted by the learned counsel for the management that though the criminal court acquitted the accused giving them benefit of doubt yet the management proceeded against the workman departmentally and found guilty of the charges as

mentioned in the charge-sheet. The learned counsel for the management also drawn my attention to the judgment reported in 2013 LLR 843 of Madras High Court, the Director General Manager, Indian Bank, Head Office Versus Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court and submitted that there is a complete loss of confidence in the employee. And it is held by the Hon'ble High Court that once the employer loses confidence in the employee, he has no right to reinstated in service. Moreover it is also held that charge of theft on bank employee was a serious charge which was proved in the inquiry. There was a criminal trial but it resulted into his acquittal. There are different parameters for appreciation of evidence in criminal trial and in departmental enquiry. In criminal trial, prosecution is incumbent upon to prove the charge by facts and law beyond all reasonable doubts whereas in departmental enquiry the parameters are quite different. Even doubt full activity and probability of preponderance may be taken as concluding factor against the delinquent employee.

9. Workman cited (1995) 1 Supreme Court cases page 404 Committee of Management Kisan Degree College Vs. Shambhu Saran Pandey and others, 2004(5) SLR page 429 State Bank of India Vs. R.D. Sharma, 1998(5) SLR 735 Union of India Vs. P. Thayagarajan, 1998(3) SCT 550 Ram Niwas Bansal Vs. State Bank of Patiala, (1999) 2 SCC page 10 Kuldip Singh Vs. Commissioner of Police and others, 1994(2) SCT page 144 State of Punjab Vs. Dr. Harbhajan Singh Greasy and 1995(1) SCT page 109 Moh. Safi Sumbli Vs. University of Kashmir. The facts and circumstances of the case laws cited by the workman are quite different to the facts and circumstance of the case in hand.

10. From the record it is revealed that the workman was charge sheeted for theft of security form which were proved during departmental proceedings. The workman was dismissed from service after due and proper inquiry. The workman also failed to point out any perversity in the inquiry and decision making of the disciplinary authority. The workman was charged for theft which is a serious misconduct and the punishment of dismissal from service is also not disproportionate to the gravity of misconduct. Therefore, it is held that action of the management in dismissing the services of Sh. Charan Singh S/o Sh. Mangal Singh, Ex-Security Guard *vide* order dated 01.06.2004 is appropriate to the misconduct and justified.

11. The reference is answered accordingly. Soft as well as hard copy be sent to the Central Government for publication.

S. P. SINGH, Presiding Officer

नई दिल्ली, 6 अप्रैल, 2015

**का.आ. 752.—**औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नैशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायलय, चंडीगढ़ के पंचाट (संदर्भ संख्या 84/2013) प्रकाशित करती है जो केन्द्रीय सरकार को 06/04/2015 को प्राप्त हुआ था।

[सं. एल-39025/01/2010-आईआर(बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th April, 2015

**S.O. 752.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 84/2013) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure in the Industrial Dispute between the management of Punjab National Bank and their workman, received by the Central Government on 06/04/2015.

[No. L-39025/01/2010-IR(B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

**BEFORE SHRI SURENDRA PRAKASH SINGH,  
PRESIDING OFFICER, CENTRAL GOVT.  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,  
CHANDIGARH**

**Case No. ID 84 of 2013**

Sh. Roda Singh S/o Sh. Ranjit Singh, V.P.O. Nangal Chharbar, Tehsil Rajpura, District Patiala.

...Workman

*Versus*

Punjab National Bank, Through Deputy General Manager, Patiala, Circle Office, Karam Complex Sirhind Road, Patiala.

...Respondent

#### APPEARANCES

For the Workman : Sh. Sawinder Singh Advocate

For the Management : Sh. N.K. Zakhmi Advocate

**AWARD**

Passed on: 18.03.2015

1. The workman raised the dispute directly to this Tribunal regarding his dismissal from service by the respondent management of Punjab National Bank on the certificate No. 7(01)2012/ACH/C.III dated 13-5-2013 issued by the Assistant Labour Commissioner (Central), Chandigarh under Section 2(a)2 of the Industrial Disputes Act, 1947 as the conciliation proceedings not concluded in prescribed time under the law. The workman filed claim statement stating there in that the workman joined Punjab National Bank as a Peon on 26.04.1986 at Branch Office. The Mall, Patiala and thereafter transferred at Branch Office Chandigarh Road Lalru on 7-8-89. He was promoted as daftri on the basis of his experience. He was served with a charge sheet dated 16.08.2008 containing the following charges:—

Charge No. 1: "It is reported that while working as Peon/Daftri at BO: Chandigarh Road, Lalru, you were officiating as clerk-cum-cashier on Enquiry seat on 27.02.2008 when a customer Ms. Sangeeta Rani approached you for opening of R/D A/C of Rs. 5000/- per month. You got executed AOF from the account holder and accepted cash of Rs. 5000/- being the initial instalment. You did not deposit the cash with the cashier and retained AOF with you with mala fide intention. Issuance of passbook was denied on the plea that it will be issued lateron. On persistence of the depositor you issued passbook at your own with fictitious account number 81-608079 and the depositor regularly deposited monthly instalments in the aforesaid account. Due to wrong account number, the instalments so deposited by the depositor on 13.03.2008, 26.04.2008 and 09.05.2008 were credited in the Sundries account of the branch. The depositor was contacted in connection with adjustment of Sundaries entries, who produced the passbook issued by you with aforesaid account number which was found fictitious. On being asked on 22.05.2008, you deposited Rs. 5000/- under your signature on Pay-in-Slip, along with AOF for opening of account. Thus you misappropriated/ pocketed the cash of Rs. 5000/- accepted unauthorisedly with mala fide intention from Ms. Sangeeta Rani on 27.02.2008.

Your aforesaid act is a major misconduct in terms of Para 5(j) of the Bi-partite settlement as amended up to date.

Charge No. 2: It has been reported by Bank customer Sh. Amrik Singh Malakpur SF A/C Number 3534000100026480 that you borrowed a sum of Rs. 65000/- on 17.01.2004 after signing a pronote dated 17.01.2004 and that 2-3 months later you borrowed Rs. 20,000/- again from him but the said amount has not been paid to him in spite of verbal assurances by you.

Your aforesaid act is a major misconduct in terms of Para 5(j) of the Bi-partite settlement as amended up to date.

Charge No. 3: On 27.12.2007 you received cash payment of Rs. 10858/- to the debit of Exp. Telephone for deposit of payment with BSNL at Lalru towards lease line bill of the bank. You confirmed to BM during the last week of Dec. 2007 that the payment has been deposited with BSNL Lalru and that the receipt shall be kept in Bank record. Again on receipt of reminder from BSNL Patiala in January 2008 you again confirmed to BM that the bill as above has already been deposited in December 2007 and has been kept in Bank's record. You produced bill receipt dated 12.02.2008 for Rs. 10858/- issued by Telegraph Office Patiala on 18.02.2008. Thus, you kept/misutilised Bank's funds from 27.12.2007 to 12.02.2008 and concealed the facts from the superiors.

Your aforesaid act is a major misconduct in terms of Para 5(j) of the Bi-partite settlement as amended up to date.

You are advised to submit your statement of defence as to why disciplinary action be not initiated against you in terms of Bi-partite settlement as amended up to date, within seven days from the receipt of this charge sheet. In case you fail to submit your statement of defence within the stipulated period of seven days, it shall be presumed that you have nothing to submit in your defence, admit the charges and further action as deemed fit shall be initiated ex parte in terms of Bi-partite settlement as amended."

2. Workman was asked to submit his reply to the charge sheet. He stated that charges were illegal and baseless and the workman was forced to face the departmental inquiry. The inquiry was conducted. The workman submitted that one Smt. Sangeeta did not appear before the Inquiry Officer and affidavit filed by her was not taken into consideration by the Inquiry Officer. The Inquiry Officer did not consider the reply of the workman and the inquiry was conducted in gross violation of principles of

natural justice. Workman received the impugned dismissal order dated 15.12.2009. The inquiry officer did not adhere to the set procedure of the inquiry. The appeal filed by the workman was also considered by the appellate authority.

3. The management submitted in written statement that the workman while officiating as Clerk-cum-Cashier at Chandigarh Road, Lalru Branch, on inquiry seat on 27.02.2008, one Smt. Sangeeta Rani approached the workman for opening of R.D. Account of Rs. 5000/- per month. Workman got executed account opening form from the account holder and accepted cash of Rs. 5000/- being the initial instalment but did not deposit the cash with the cashier and himself retained the account opening form with mala fide intention. She was not issued pass book by the workman on the plea that the same would be issued later on. On her persistence, workman issued passbook with fictitious account number and the depositor regularly deposited the installments. It is also pleaded in the written statement that the workman approached one bank customer Sh. Amrik Singh who was a account holder in the bank and borrowed a sum of Rs. 65000/- on 17.01.2004 after signing a pro-note and after 2/3 months workman again borrowed Rs. 20000/- but the said amount was not paid to the above customer by the workman in spite of verbal assurance given by the workman. So far as the third charge is concerned, management submitted that on 27.12.2007 workman received cash payment of Rs. 10,858/- to the debit of Exp. telephone for depositing of payment with BSNL at Lalru towards lease line bill of the bank. The workman confirmed to the Branch Manager during last week of December that he has deposited the amount with BSNL Lalru and the receipt shall be kept in bank record. On receipt of reminder from BSNL, Patiala in January 2008, workman again confirmed to the Branch Manager that the bill has already been deposited in December 2007. Later on workman produced bill receipt dated 12.02.2008 for Rs. 10,858/- issued by the telephone office Patiala on 18.02.2008 and the workman kept/misutilised bank fund from 27.12.2007 to 12.02.2008 and concealed the facts from his superior. It is also been pleaded in the written statement that inquiry officer specifically asked the workman whether he was served the charge sheet. In reply the workman confirmed the inquiry officer that he received the charge sheet. The inquiry officer read over the charges to the workman in local language i.e. Punjabi List of the documents and witnesses were provided to the workman. Workman was represented by Sh. Ashok Avasthi during inquiry proceeding. The witnesses of the management were cross examined by the defence representative of the workman. After conclusion of the evidence of the management the workman was asked to produce his evidence, workman and his defence representative stated before the inquiry officer that they have nothing to produce as defence

evidence and close their evidence. As both the sides have closed their evidence, the inquiry stood concluded.

4. After conclusion of the inquiry, enquiry officer submitted his report to the disciplinary authority and disciplinary authority *vide* his letter dated 10.07.2009 sent copy of the inquiry report to the workman. The workman submitted his comments to the disciplinary authority on 04.08.2009 and after going through the complete record of the case *i.e.* charge sheet, reply of the charge sheet, statement of the witnesses and relevant document, and after applying his mind agreed with the findings of the inquiry officer that all the charges stood proved against the workman and passed the order of punishment *i.e.* (dismissal without notice) on 15.12.2009.

5. The workman filed the appeal which was also dismissed by the appellate authority after applying his mind. Personal hearing was also provided by the appellate authority to the workman but the workman did not appear as required. Lastly workman appeared before the appellate authority on 11.10.2010 after as many as five opportunities and requested for taking a lenient view but after applying its mind, the appeal was also rejected by the appellate authority.

6. Earlier this Tribunal heard the parties on the fairness of enquiry and *vide* order dated 30-9-2014 it is held that enquiry was conducted in a fair and proper manner and proper opportunity was given to the workman to defend himself and enquiry was conducted following the principles of natural justice. The parties were afforded the opportunity of evidence on the point of perversity and quantum of punishment.

7. Both the parties submitted that they do not want to lead any evidence on the point of perversity and quantum of punishment.

8. I have heard the parties and gone through the record.

9. On behalf of the workman it is submitted that as regard the charge No. 1 is concerned, the enquiry officer did not believe the affidavit of Ms. Sangeeta Rani which the workman submitted during enquiry proceedings and held the workman guilty on the complaint made by the above Ms. Sangeeta Rani. As regard Charge No. 2 is concerned, it is submitted that Amrik Singh made the complaint which is purely a personal matter and it has nothing to do with the bank. In so far as the charge No. 3 is concerned, the telephone bill was deposited by the workman though with some delay and bank has not suffered any financial loss in all the three charges and punishment of dismissal from service is harsh punishment which is disproportionate to the alleged misconduct.

10. On the other hand on behalf of the management, it is submitted that workman indulged in personal banking. The complainant made the complaint that when she went to the bank for opening RD account of Rs. 5000/- workman while working on enquiry seat filled the form and taken Rs. 5000/- from her and did not open her account. Subsequently when she again went to deposit the money, workman handed over a fake pass book with fake account number in which subsequently deposited the amount. Her deposited amount went in sundry account of the bank and she was contacted in connection with adjustment of sundries entries. Ms. Sangeeta Rani produced pass book issued by the workman with fake account number. When the workman was confronted, he deposited Rs. 5000/- under his signatures on pay-in-slip alongwith account opening form which has duly been proved during the departmental enquiry. Affidavit of the complainant is an afterthought which has been procured one. As regard charge No. 2 is concerned, Bank customer Amrik Singh made a complaint and subject matter of the complaint is covered under major misconduct in terms of para 5(i) of the Bipartite Settlement which prohibit any employee of the bank in indulging in such transaction with the bank customer. It does not matter that later on the customer withdraw the complaint on the assurance of the workman to pay the rest of the amount. As regard charge No. 3 is concerned, it is not denied that workman received cash payment of Rs. 10858/- for deposit of payment with BSNL at Lalru and after one and half month deposited the same with BSNL and till then misutilized/ kept the amount with him. It is submitted by the management that the workman temporarily embezzled the amount.

11. The workman was dismissed from service after due and proper inquiry. The workman also failed to point out any perversity in the inquiry and decision making of the disciplinary authority. The workman was charged for gross misconduct as mentioned in the charge sheet. The charges have been proved during enquiry. The charges are serious and constitute gross misconduct and the punishment of dismissal from service is not disproportionate to the gravity of misconduct and does not warrant any interference by this Tribunal. Therefore, it is held that action of the management in dismissing the services of Sh. Roda Singh order dated 15.12.2009 is appropriate to the misconduct and justified.

12. The reference is answered accordingly. Soft as well as hard copy be sent to the Central Government for publication.

Chandigarh  
18.03.2015

S. P. SINGH, Presiding Officer

नई दिल्ली, 6 अप्रैल, 2015

**का.आ. 753.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब एण्ड सिंध बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायलय नं. II, चंडीगढ़ के पंचाट (संदर्भ संख्या 70/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 06/04/2015 को प्राप्त हुआ था।

[सं. एल-12012/42/2010-आईआर(बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th April, 2015

**S.O. 753.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 70/2010) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the management of Punjab & Sind Bank and their workmen, received by the Central Government on 06/04/2015.

[No. L-12012/42/2010-IR(B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT-II, CHANDIGARH

**Present:** Sri Kewal Krishan, Presiding Officer

CASE No. I.D. No. 70/2010

Registered on 07.10.2010

Shri Satnam Singh, S/o Sh. Mukhtiar Singh, Village and Post Office Wadala Kalan, Tehsil Baba Bakala, District Amritsar.

...Petitioner

Versus

1. Zonal Manager, Punjab and Sind Bank, Zonal Office, Amritsar
2. Branch Manager, Punjab and Sind Bank, Rayya, Amritsar.

...Respondents

#### APPEARANCES

For the Workman : Sh. R.P. Rana, Adv.  
For the Management : Sh. J.S. Sathi, Adv.

#### AWARD

Passed on 15th day of January, 2015

Central Government vide Notification No. L-12012/42/2010-IR(B-II) Dated 24.9.2010, by exercising its powers

under Section 10 Sub Section (1) Clause (d) and Sub Section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:—

"Whether the action of the management of Punjab and Sind Bank in terminating the workman Sh. Satnam Singh *w.e.f.* 1.2.2002 without following the provisions of Section 25F & 25G of the ID Act, 1947 and re-employment of junior persons against Section 25H of the ID Act, 1947 is just, fair and legal? What relief the concerned workman is entitled to and from which date?"

In response to the notice, the workman appeared and submitted statement of claim pleading that he was engaged as temporary peon on 11.11.1987 by the respondent management and he worked at Village Wadala Kalan. He was again engaged in the year 1991-92 and he worked at branch Khalchian. he was again engaged in the year 1998 and he worked as peon in the Branch at Rayya till 31.1.2002 when his services were terminated. he was being paid basic pay plus DA etc. That his termination is illegal being in violation of Section 25F of the Act. That the respondent management terminated the services of other peons who have been allowed to join duty after an award was passed by the Tribunal. That he is also entitled to be reinstated in service with back wages.

Respondent management filed written reply pleading that workman was engaged from time to time on purely temporary basis and that too without following any Rules and Regulations and the discontinuance of service do not amount to 'retrenchment'. It is further pleaded that services were terminated on 31.1.2002 and he raised the demand notice in July, 2009 and thus there is delay of more than 7 years and being so, the claim has become stale and he cannot be granted any relief.

Parties were given opportunities to lead its evidence.

In support of its case the workman appeared in the witness box and filed his affidavit reiterating the case as set out in the statement of claim.

On the other hand the management has examined Sh. Mohinder Singh, who filed his affidavit reiterating the stand taken by the respondent bank in the written statement.

I have heard Sh. R.P. Rana, counsel for workman and Sh. J.S. Sathi, counsel for the management and perused the file carefully.

The workman has specifically pleaded in para 1 of the claim statement that he worked as a peon from the year 1998 to 31.1.2002 at the branch of the respondents at Rayya. The respondent management did not controvert his

assertion and simply pleaded that the workman was engaged on temporary basis from time to time. The witness of the management namely Mohinder Singh admitted during cross-examination that the workman worked at Rayya Branch from August, 1998 to 31.1.2002. Thus the workman continuously worked for more than 1 year prior to termination of his services and he was entitled to the protection of Section 25F of the Act. But it is admitted case that he was not paid any retrenchment compensation while terminating his services and as such, the termination of his services is not legal and valid.

A lengthy argument was advanced by the learned counsel for the respondent management that services were terminated in January, 2002 and workman raised the demand notice in 2009 *i.e.* after a lapse of more than 7 years and with the lapse of time, his claim is not maintainable and on this sole ground, he cannot be granted the relief.

It may be added that workman has pleaded that the other workmen whose services were terminated were allowed to join duty after an award was passed by the Tribunal. Mohinder Singh a witness of the management has stated during cross-examination that there were 25 temporary peons whose services were terminated and some of them were employed by the bank on the orders of the Hon'ble High Court. A photocopy of the order passed in Civil Writ Petition No. 18154 of 2007 decided on 26.5.2010 titled as Baljit Singh Vs. Presiding Officer also shows that some of the workmen who were similarly placed as the present workman was reinstated in service but without back wages. It is not denied by learned counsel for the management that the workman earlier reinstated on the orders of the Hon'ble High Court were holding the same posts as the present workman. In these peculiar circumstances, when some of the co-workmen whose services were terminated along with the services of the workman; and have been reinstated in service with the orders of the Court, it cannot be said that the delay is fatal to the claim of the workman in the present case, as much as his services were terminated in violation of the provisions of Section 25F of the Act.

In result, it is held that the action of the management in terminating the services of the workman *w.e.f.* 1.2.2002 is not legal and he is entitled to reinstatement with continuity of service but without back wages. Respondent management is directed to take him in service within one month from the publication of the award. The reference is accordingly answered in favour of the workman. Let hard and soft copy of the award be sent to the Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 6 अप्रैल, 2015

**का.आ. 754.**—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चंडीगढ़ के पंचाट (संदर्भ संख्या 442/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 06/04/2015 को प्राप्त हुआ था।

[सं. एल-12012/137/2001-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th April, 2015

**S.O. 754.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 442/2005 of the Central Government Industrial Tribunal cum Labour Court, No. II Chandigarh as shown in the Annexure, in the Industrial Dispute between the management of Central Bank of India, and their workman, received by the Central Government on 06/04/2015.

[No. L-12012/137/2001-IR(B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II, CHANDIGARH

**Present:** Sri Kewal Krishan, Presiding officer

**Case No. I.D. No. 442/2005**

Registered on 19.8.2005

1. Sh Narsi Lal, S/o Sh. Kanhaiya Lal, resident of House No. 7/272, Gyan Nagar, Behind Sarang Cinema, Sonipat, through Legal representative Parshtam (son), Rajesh (son), Pushpa (daughter), Charan Raj, R/o House No. 6/275, Gian Nagar, Sonipat.

...Petitioner

*Versus*

1. The Regional Manager, Central Bank of India, Jawahar Market Rohtak, Haryana.

...Respondents

#### APPEARANCES:

For the workman Sh R.P. Rana, Adv.

For the Management Sh. A.P. Jagga, Adv.

#### AWARD

Passed on 19.1.2015

Central Government *vide* Notification No. L-12012/137/2001 (IR (B-II) Dated 31.10.2001, by exercising its powers

under Section 10 Sub Section (1) Clause (d) and Sub Section(2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:—

"Whether the action of the Management of Central Bank of India in ordering dismissal from service of Sh. Narshi Lal *vide* order dated 11.11.1996 is legal and justified? If not, what relief the concerned workman is entitled to?"

The facts in brief are that the workman was working as Clerk with the respondent bank at Branch office, Ghasauli. He received Rs. 1000/- from Suraj Bhan on 19.7.1993, Rs. 800/- from Nirmal Singh on 26.10.1993, Rs. 5000/- from Dharamvir on 13.12.1994, Rs. 1000/- from Mir Singh on 16.3.1995 and Rs. 400/- from Darshan Lal on 16.4.1995 who are the account holders, but did not depict the said amount in the account books of the bank. Accordingly a charge-sheet was issued to him. He denied the allegations and a regular inquiry was conducted by appointing the Inquiry Officer and the Presenting Officer. The management led evidence before the Inquiry officer who after completing the inquiry gave a finding that charges are proved against the workman. Acting on the basis of the said inquiry, the disciplinary authority dismissed the workman from service *w.e.f.* 11.11.1996 after serving a show cause notice on him. The appeal preferred by him was also dismissed.

Now according to the workman, the inquiry was held in violation of the principles of natural justice and he was not allowed to produce the documents in defence. He had rendered 17 years of unblemished service which was not taken into account while terminating his services. The punishment awarded to him is harsh.

It is further pleaded that a case was registered regarding the embezzlement *vide* FIR No. RC-19/96-CHG dated 20.3.1996. However on inquiry, the CBI did not find anything against him and he was not challaned and in the circumstances, the dismissal from service is illegal.

During the pendency of the proceedings, workman died and his legal representatives were brought on record *vide* order dated 9.7.2010.

The respondent management filed written reply that a proper charge-sheet was served on the workman and the inquiry was conducted as per procedure of law, after giving due opportunity to the workman to be represented by defence representative to cross-examine the witness, who even filed documents in defence. That there is no illegality in the conduct of the inquiry. thus, the inquiry is valid and the punishment order passed on its basis is legal and valid. That workman is not entitled to claim any relief.

Parties did not lead any evidence.

I have heard Sh. R.P. Rana for the workman and Sh. A.P. Jagga for the management.

A perusal of the photocopy of the inquiry proceedings placed on the file of which authenticity is not disputed, shows that a proper charge-sheet was served on the workman. He was represented by defence representative in whose presence the management examined four witnesses including tendering into evidence all the documents. The defence representative cross-examined the witness and also inspected all the documents and even admitted the authenticity of the documents in the proceedings held on 17-1-1996. On the basis of the documents *i.e.* original vouchers issued in the name of Suraj Bhan, Nirmal Singh, Dharamvir Singh, Mir Singh and Darshan Lal and the account books of the bank; and also relying on the statements of the witnesses examined before him *i.e.* Mir Singh, Dharamvir Singh, R.P. Pahwa and Nirmal Singh, Inquiry Officer came to the conclusion that workman received Rs. 1000/- from Suraj Bhan on 19.7.1993, Rs. 800/- from Nirmal Singh on 26.10.1993, Rs. 5000/- from Dharamvir on 13.12.1994, Rs. 1000/- for Mir Singh on 16.3.1995 and Rs. 400/- from Darshan Lal on 16.4.1995, but no entry was made in account books. The findings of the Inquiry officer are based on the evidence led before him. Nothing has been shown that the inquiry was conducted in violation of any principle of natural justice or the provisions of any law. Therefore it is to be held that the inquiry conducted by the Inquiry officer is fair and proper.

It was submitted by the learned counsel that a criminal case was registered regarding the alleged embezzlement, but the workman was not challaned by the CBI which is sufficient to hold that he was innocent and as such no action was to be taken on the basis of the inquiry. Suffice it to say that standard of proof in a criminal case is different from the disciplinary proceedings and the inquiry proceedings are to be decided only on the preponderance of probabilities. If the CBI did not find him guilty, the same is no ground to exonerate him in the departmental proceedings and the Inquiry Officer in a detailed inquiry report dated 24.7.1996 which is based on the oral evidence led before it as well as the documents produced there, came to the definite conclusion that it was the workman who embezzled the above said amount. Since the Inquiry Officer came to the conclusion that charges are proved on the basis of evidence, no benefit can be given to the workman. In this respect reliance may be placed on Suresh Pathrellla Vs. Oriental Bank of Commerce reported in 2007 (3) RSJ 1, wherein it was observed in para 8 of the judgement as follows:—

"In our view, the findings recorded by the learned Single Judge are fallacious. This court has taken the view consistently that acquittal in a criminal case would be no bar for drawing up a disciplinary proceeding against the delinquent officer. It is well settled principle of law that the yardstick and standard of proof in a criminal case is different from the

disciplinary proceedings. While the standard of proof in a criminal case is a proof beyond all reasonable doubt, the proof in a departmental proceeding is preponderance of probabilities."

It was contended by the learned counsel that workman rendered 17 years of service which was not taken into account by the disciplinary authority while terminating the services of the workman which is a harsh punishment and a lenient view be taken. It is a settled law that a bank officer is required to exercise higher standards of honesty and integrity. He deals with the money of depositors and the customers, and is required to take all possible steps to protect the interest of the bank. The workman embezzled the amount of the account holders and there were five entires which were detected. He received the amount from the account holders but did not show the same in the back account books. Thus he was guilty of gross misconduct and the penalty imposed on him cannot be said to be excessive and no ground is made out to interfere with the same.

Thus the action of the management in dismissing the workman from service is legal and valid and workman is not entitled to any relief. The reference is accordingly answered against the workman. Let hard and soft copy of the award be sent to Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 6 अप्रैल, 2015

**का.आ. 755.**—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण/श्रम न्यायालय चंडीगढ़ के पंचाट (संदर्भ संख्या 301/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 06/04/2015 को प्राप्त हुआ था।

[सं. एल-12012/82/2013-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th April, 2015

**S.O. 755.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 301/2013 of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure, in the Industrial Dispute between the management of Central Bank of India, and their workman, received by the Central Government on 06/04/2015.

[No. L-12012/82/2013-IR(B-II)]

RAVI KUMAR, Desk Officer

## ANNEXURE

## IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Present : Sri Kewal Krishan, Presiding Officer

## Case No. I.D. No. 301/2013

Registered on 4.12.2013

Sh. Suraj Kumar, S/o Sh. Raj Kumar, House No. 161, Gail No. 2, Basant Colony, Saini Road, Pathankot.

...Petitioner

*Versus*

1. The Senior Manager, Central Bank of India, Main Bazar Sujanpur Tehsil & District Pathankot.
2. The Regional Manager, Central Bank of India, 3rd Floor Puda Complex, Jalandhar City.

...Respondents

## APPEARANCES:

For the workman : Ex. Parte.

For the Management : Sh. N.K. Zakhmi, Adv.

## AWARD

Passed on 19.1.2015

Central Government *vide* Notification No. L-12012/82/2013 IR (B-II) Dated 16.11.2013, by exercising its powers under Section 10 Subs-section (1) Clause (d) and Sub-section(2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:—

"Whether the action of the Management of Central Bank of India in terminating the services of Sh. Suraj Kumar *w.e.f.* 19.3.2013 is just and legal? What relief the concerned workman is entitled to and from which date?"

In response to the notice, the workman appeared and submitted statement of claim pleading he joined the respondent bank at Pathankot as Safai Karamchari/Peon on 1.3.2005 and worked in Arya College Branch, Pathankot till 24.8.2010. He was transferred to Sujanpur on 25.8.2010 where he worked till 19.3.2013 when his services were terminated without paying him any retrenchment compensation or serving him any notice. That termination of his services is illegal and he be reinstated in service.

The bank submitted written statement pleading that workman started doing the safai work on contract basis in November, 2010 and he never worked on regular basis. That Mohan Lal joined as regular employee on 1.4.2013

and the services of the workman came to an end. That the workman used to remain absent from duty and even he did not work for a full week in the bank. Since he was engaged on contract basis, he was not required to be paid compensation.

The workman was proceeded against *ex parte* vide order dated 10.7.2014.

The management led its evidence and examined Sh. Badri Narayan, Regional Management who filed his affidavit.

I have heard Sh. N.K. Zakhmi, counsel for the management.

There is no denial of the fact that workman worked as Safai Karamchari with the respondent management from 24.8.2010 to 30.3.2013. The respondent bank is a statutory body governed by the Rules and Regulations and all appointments are to be made by following the same. Nothing has come on the file that he was ever appointed by following the procedure laid down for recruitment of Safai Karamcharis. It cannot be said that he was legally appointed as Safai Karamchari. If he did the work of Safai Karamchari on some contract, the same do not confer any right on him to continue in service and the termination of the services of such an employee do not amount of 'retrenchment'.

Since the workman himself did not lead any evidence and nothing has come on the file that he was validly appointed by the bank as Safai Karamchari, it cannot be said that the termination of his services is illegal and unjust and he is not entitled to claim any relief. The reference is accordingly answered against the workman. Let hard and soft copy of the award be sent to Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 6 अप्रैल, 2015

**का.आ. 756.—**ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब एण्ड सिंध बैंक के प्रबंधतंत्र के संबद्ध नियोजकों ओर उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय चंडीगढ़ के पंचाट (संदर्भ सं 433/2000) को प्रकाशित करती है जो केन्द्रीय सरकार को 06.04.2015 को प्राप्त हुआ था।

[सं. एल-12011/162/2000-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th April, 2015

**S.O. 756.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 433/2000 of the Cent. Govt. Indus. Tribunal-cum-Labour Court-No. 1 Chandigarh has shown in the Annexure, in the industrial dispute between

the management of Punjab & Sind Bank and their workmen, received by the Central Government on 06/04/2015.

[No. L-12011/162/2000-IR (B-II)]

RAVI KIMAR, Desk Officer

**ANNEXURE**

**BEFORE SHRI SURENDRA PRAKASH SINGH,  
PRESIDING OFFICER, CENTRAL GOVT.  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,  
CHANDIGARH**

**Case No. ID 433 of 2000**

Reference No. L-12011/162/2000-IR(B-II)

Dated 31.10.2000.

Sh. Nand Singh C/O The General Secretary,  
Punjab & Sind Bank, Staff Organization,  
Punjab & Sind Bank, Central Office,  
PSB Building, Chandigarh

... Workman

*Versus*

1. The Deputy General Manager, Punjab & Sind Bank,  
Zonal Office, Hall Bazar Amritsar (Punjab)-143001.

... Respondent

*Appearances*

For the Workman: Sh. R.P. Rana, Advocate

For the management: Sh. J.S. Sathi, Advocate.

**AWARD**

Dated:—23-2-2015

Government of India Ministry of Labour vide notification L-12011/162/2000-IR(B-II) dated 31.10.2000 has referred the following dispute to this Tribunal for adjudication:

*Term of Reference:*

"Whether the action of the management of Punjab & Sind Bank in awarding the punishment of reduction to a lower stage by reducing two increments in basic pay of Sh. Nand Singh, Special Assistant is legal and just? If not, what relief the concerned workman is entitled to and from what date?"

2. In the claim statement it is pleaded by the workman that he was served with a charge sheet dated 14.06.1994 while working as a Special Assistant in Batala Road Amritsar branch of the management bank containing the following charges:—

"You were working in B.O. Khalsa College Amritsar from 25.03.1988 to 2.8.1993. It has been reported against you that on 26.11.1992 when you were officiating as Special Assistant, you allowed opening

of SB. Account 11338/38 in the name of Mr. Anand Kumar with the fake address by verifying signatures of Kirpal Singh Sekho as the introducer who had opened his account No. 11334/38 only two days prior on 24.11.1992 which is in contradiction to bank's rule that an introducer must have satisfactorily operated his account for not less than six months. Due to your negligence the account holder Mr. Anand Kumar has been able to commit fraud of Rs. 36,050/- in the said account.

This act of yours is a gross misconduct in terms of para 19.5(j) of Bipartite settlement which may be read as

Doing any act prejudicial to the interest of the bank or gross negligence or negligence involving or likely to involve the bank in serious loss."

3. The allegation above mentioned levelled was that he had violated the bank rule which laid down that an introducer must have satisfactorily operated his account for not less than 6 months. It is further submitted by the workman that management alleged that due to negligence of the workman one Anand Kumar succeeded in committed fraud of Rs. 36,050/- in the SB account. The workman submitted reply to the charge sheet wherein he admitted having verified signatures of Kirpal Singh Sekho. Although the SB account in the name of Anand Kumar was directed to be opened only by the branch manager. It is pleaded by the workman that it was not his negligence which resulted into commission of fraud by Anand Kumar. It is further pleaded by the workman that during the inquiry, workman submitted representation to the inquiry officer demanding correspondence with regard to the fraud committed if any but inquiry officer declined to show any correspondence with regard to the fraud committed by Anand Kumar. During the inquiry, no evidence was led by the presenting officer to show commission of fraud by Sh. Anand Kumar in his newly opened SB account. During the inquiry the presenting officer concealed certain documents which supported the case of the workman. It is also pleaded by the workman that it was the duty of the branch manager to satisfy himself before opening a SB account. The workman filed written arguments during inquiry. The inquiry officer submitted the report wherein he concluded that concerned branch manager was also responsible and it is further submitted by the inquiry office that there was no mala fide intention on the part of the workman or branch manager. But the inquiry officer chose to held guilty to the workman and the branch manager for the fraud committed by Sh. Anand Kumar. No reason was given by the inquiry officer to arrive on such a conclusion. Thus the inquiry was not fair and disciplinary authority has not taken into consideration this fact while passing the final order.

4. Personal hearing was also given by the disciplinary authority. The disciplinary authority failed to take

cognizance of the documents *i.e.* extract of duties of Special Assistant under the bipartite settlement and PSB circular No. 1426 dated 25.7.1992. The disciplinary authority imported his personal knowledge into the matter which he is not authorized to do. Workman filed appeal before the appellate authority against the order dated 31.3.1997. The appellate authority dismissed the appeal without dealing with any of the contention of the workman. The inquiry was conducted against the principle of natural justice and fair play and deserves to be vitiated on the ground mentioned above. It is prayed by the workman that punishment imposed may be set aside and the management may be directed to release the increments w.e.f. due date with interest @ 18% per annum.

5. The management filed written statement pleading therein that the orders passed by the disciplinary authority are in accordance with principle of service jurisprudence. After considering the material/evidence on record the management issued charge sheet to the workman which he replied and inquiry was ordered. Sh. Kulbir Singh was appointed as inquiry officer but later on replaced with Sh. H.S. Pal. The workman was represented by the defence representative of his choice. The inquiry was conducted in accordance with the principle of natural justice and report was submitted by the inquiry officer with a copy to the workman. The workman filed his comments and show cause notice was served proposing the penalty of reduction to the lower stage by reducing two increments. Personal hearing was also given to the workman by the disciplinary authority. Workman preferred appeal against the order by the disciplinary authority which was rejected and punishment awarded by the disciplinary authority was upheld. It is further pleaded that workman was rightly penalized as he violated the bank rules which laid down that a introducer must have satisfactorily operated his account for not less than 6 months. It is prayed by the management that reference may be rejected.

6. Workman also placed on record his affidavit along with the documents of inquiry. The management further filed supplementary written statement taking preliminary objection than in case this Hon'ble Court comes to the conclusion that the domestic inquiry was not fair and proper for any reason whatsoever the management may be given opportunity to produce the evidence to prove the charges before the Hon'ble Court. Management also placed on record the register of inquiry proceedings.

7. Earlier arguments were heard on the fairness of enquiry. This Tribunal vide its order dated 19.01.2015 held that the enquiry was conducted fairly and properly and there is no infirmity in the enquiry. The parties were given opportunity to adduce any evidence on the point of perversity and quantum of punishment.

8. Both the parties adduced no evidence and arguments heard of the parties on the point of perversity and quantum of punishment.

9. Learned counsel for the workman submitted that the management failed to prove the allegations as contained in the charge sheet in as much as that the authority to open the account is rested with the branch Incharge who himself put his signatures and accepted the introduction of the account which is not run satisfactorily for six months and it is the branch manager who is solely responsible for any act of omission as per the P&D Circular 1426 and the workman cannot be held responsible because the payment in the account No. 11338 was not made by CSE. The payment has been made by the branch manager and some other officer without keeping in view the banking norms. Therefore, the charges were not proved during the enquiry and the findings of the enquiry officer are perverse. It is further the case of the workman is that the punishment is disproportionate to the alleged misconduct and the branch manager was also responsible for opening of the account and the branch manager was allowed to go scot free whereas the workman was punished for no fault of the workman.

10. On the other hand the management submitted that it was the workman who opened the account No. 11338 in Branch Office Khalsa College with fake address and by not obtaining the introduction of an account which has run satisfactorily for more than six months. As the account was opened by not adhering to the normal practice, the account holder was also successful in furnishing the fake address which resulted in committing the fraud as mentioned in the charge sheet. This act of negligence is of serious nature and the workman was given punishment which is not of severe nature and two increments were ordered to be stopped which is commensurate to the misconduct of the workman. Therefore, the workman is not entitled to any relief and the reference deserves rejection.

11. The departmental enquiry vide this Tribunal's order dated 19.1.2015 has been held fair and proper. The workman was charge-sheeted for act of negligence in opening of the account in the name of Shri Anand Kumar with fake introduction and this fake account has become instrumental for fraud committed by one Anand Kumar who had been able to commit fraud of Rs. 36050/- proved on record. I find no perversity in the enquiry report. Therefore, no interference is warranted in the punishment also.

12. In view of the facts and circumstances of the case in hand, it is held that action of the management of Punjab & Sind Bank in awarding the punishment of reduction to lower stage by reducing two increments in basic pay of Sh. Nand Singh, Special Assistant is legal and just and the workman not entitled to any relief.

13. The reference is answered accordingly. Central Govt. be informed. Soft as well as hard copy be sent to the Central Govt. for publication.

Chandigarh  
23.02.2015

S. P. SINGH, Presiding Officer

नई दिल्ली, 6 अप्रैल, 2015

**का.आ. 757.**—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ के इंदौर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट संदर्भ संख्या (196/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06/04/2015 प्राप्त हुआ था।

[सं. एल-12012/206/91-आईआर (बी-1)]

सुमिति सकलानी, अनुभाग अधिकारी

New Delhi, the 6th April, 2015

**S.O. 757.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 196/91) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of State Bank of Indore and their workmen, received by the Central Government on 06/04/2015.

[No. L-12012/206/91-IR(B-I)]

SUMATI SAKLANI, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

#### NO. CGIT/LC/R/196/91

PRESIDING OFFICER : SHRI R.B. PATLE

Shri Rekharam Bagdara,  
C/o Archana Bhojanalaya,  
Opp. Shriram Dharmashala,  
Jail Road, Indore

...Workman

*Versus*

Regional Manager,  
State Bank of Indore,  
Regional Office, 163,  
Kanchanbag, Indore

...Management

#### AWARD

Passed on this 9th day of March, 2015

1. As per letter dated 30.10.91 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section 10 of I.D. Act, 1947 as per Notification No. L-12012/206/91-IR (B-I). The dispute under reference relates to:

"Whether the action of the management of State Bank of Indore, Indore, in dismissing Shri Rewaram Bagdare, Peon-cum-chowkidar, w.e.f. 9-1-89 is justified? If not, to what relief the workman is entitled to?"

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 8/2 to 8/9. The case of Ist party is that he was appointed as peon cum watchman on 11-5-84 in IIInd party Bank. He claims to be working honestly. Chargesheet was issued to him pertaining to opening forged/false account in name of Nana S/o Dagdu resident of Ajadiman depositing Rs. 20/- forging signature of said Nana Dagdu himself identified Account Holder R-565. it was also once of the charge of forging initial of Head Clerk operating said account during 1-8-88 to 8-9-88 depositing Rs. 4475/- He submitted reply to the chargesheet on 15-10-88. Workman was suspended on 14-9-88. Shri G.L. Pawar was appointed as Enquiry Officer on 7-11-88. Notices of enquiry were issued to him on 12-11-88. Enquiry was fixed on 28-11-88. Workman admitted charges. No further enquiry was held. After report of Enquiry Officer, showcause notice was issued to Divisional Manager on 12-12-88, Workman submitted reply to it on 2-1-89. Workman was dismissed on 9-1-89. Workman submits that the other employees Accountant Incharge Bindu Mahajan, Ashok Jain Accountant taken advantage of his illiteracy and innocence. They assured them to save. On their advice, he had admitted the charges. Ist party workman further submits that no enquiry was conducted against other officials who had committed forgery. It was not inquiry under whose writing deposit form, account opening form were written or tallied by handwriting expert was not called. How it was possible for workman to withdraw money without knowledge or consent of account clerk or other staff. Workman submits that dismissal is illegal. The chargesheet issued to him was incomplete. The admission of charge was induced by Shri Ashok Jain, S.K. Joshi and Enquiry Officer himself. The six entries were shown forged whereas how other entries were genuine was not explained on the chargesheet. On such contentions, workman prays for his reinstatement with back wages.

3. IIInd party management submitted Written Statement at Page 10/1 to 10/6 opposing claim of workman. IIInd party submits that workman had opened false account in name of Shri Nana Dagdu, resident of Ajadiman forging the signature of account holder. The entries in said account shown by letter A were genuine and under Letter B were forged. Workman has forged Bank by amount of Rs. 4475/- The excess amount was withdrawn forging the entires. Chargesheet was issued to workman. Workman admitted his guilt requesting to exonerate him and recover amount from his salary. Enquiry was fixed on 28-11-88. Workman again admitted charges against him therefore further enquiry was not conducted. The allegation of workman are denied. Workman has admitted charges against him of forging signature, forging entries in Bank Account etc. It is denied that Bindu Mahajan, Ashok Jain has induced workman to accept charges promising to save him from action of alleged misconduct. It is denied that workman was denied

opportunity for his defence. It is denied that order of dismissal is illegal.

4. Preliminary issued was decided as per order dated 23-4-2013. Enquiry is found legal and proper. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

(i) Whether the Misconduct alleged against workman are proved from evidence in enquiry Proceedings	In Affirmative
(ii) Whether punishment of dismissal imposed against workman is proper and legal?	In Affirmative
(iii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

### REASONS

5. As discussed above, the enquiry conducted against workman is found legal and proper, question remains for consideration is whether charges alleged against workman are proved from evidence in Enquiry Proceedings and whether punishment of dismissal imposed on workman is legal. For 1st point, evidence in Enquiry Proceedings needs to be considered. Chargesheet was issued to workman relating to opening bogus account in name of Nana Dagdu and forging entries in said account. After receiving the chargesheet, workman submitted reply explaining his conduct that he was facing family problems. His son and family members were ill. For their treatment, he had taken loans from several persons in the market. It was difficult for him to pay the loan amount. therefore he had opened bogus account using fake names depositing amount of Rs. 20/-. Workman was suspended on 14-9-88. The copy of chargesheet is produced at Page 11/28, 29. The reply of workman is produced at Page 11/13. Enquiry was held on 28th November 88. Again workman admitted charges against him before Enquiry Officer. In Page 14/31 of the record, it is clearly written that the charges are readover and explained to workman, workman clearly understands the charges and admitted charges against him. In view of the charges are admitted by workman, it is sufficient to hold that charges against workman are proved. Section 58 of Evidence Act is clear that fact admitted need not be proved. Enquiry Officer in his report has observed that the fraud was committed due to negligence of some employee. it does not relieve the workman of the misconduct committed by him. The misconduct opening bogus account, forging signature of account officer and forging initials of accountant, withdrawal of amount admitted by workman in his reply as well as before Enquiry Officer. The proved misconduct is of serious nature. It cannot be accepted of

any Bank employee committing the act of opening fraud account in bogus name, forging signatures etc. therefore punishment of dismissal imposed against workman cannot be said excessive or disproportionate. Considering proved misconduct, no interference is called for in the order of dismissal of workman. For above reasons, I record my finding in point No. 1, 2 in Affirmative.

6. In the result, award is passed as under:—

- (1) The action of the management of State bank of Indore, Indore, in dismissing Shri Rewaram Bagdare, peon-cum-chowkidar, *w.e.f.* 9-1-89 is proper and legal.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 6 अप्रैल, 2015

**का.आ. 758.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर बिहार ग्रामीण बैंक के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 55/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 06/04/2015 को प्राप्त हुआ था।

[सं. एल०-22012/39/2011-आई आर (बी-1)]

सुमिति सकलानी, अनुभाग अधिकारी

New Delhi, the 6th April, 2015

**S.O. 758.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 55/2011) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure in the industrial dispute between the management of Uttar Bihar Gramin Bank and their workman, which was received by the Central Government on 06/04/2015.

[No. L-12012/39/2011-IR(B-I)]

SUMATI SAKLANI, Section Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (No. 1), DHANBAD

**Ref. No. 55/2011**

Employers in relation to the management of  
Uttar Bihar Gramin Bank, Muzaffarpur

*And*

Their workman

**Present:** Sri Ranjan Kumar Saran, Presiding Officer

**Appearances:**

For the Employers : Sri R.P. Prasad, Advocate  
 For the workman : Sri S.K. Jha, Advocate  
 State: Bihar Industry : Banking  
 Dated : 27.02.2015

**AWARD**

By Order No. L-12012/39/2011-IR (B-I), dated 22.11.2011, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the industrial Disputes Act, 1947, referred the following disputes for adjudications to this Tribunal:

**SCHEDULE**

"Whether the action of the management of Uttar Bihar Gramin Bank, Muzaffarpur in imposing the penalty of removal from service on Shri Arun Kumar Jha *vide* their order dated 26.02.2008 is legal and justified? To what relief the workman is entitled?"

2. The case is received from the Ministry of Labour on 20.12.2011. After receipt of the reference, both parties are noticed. The concerned workman files their written statement on 30.12.2011. Thereafter the management files their written statement-cum-rejoinder on 21.06.2012. Rejoinder and document also filed by the workman. The Management adduced two witness as MW-1 & MW-2 on Preliminary point and the management also marked the document as M-1 to M-5.

3. The point involved in the reference is that the workman was dismissed on the allegations of financial irregularities, who is an employee of the Bank, After order of dismissal, the workman filed a departmental appeal, and that was dismissed. Hence this reference.

4. Before this Tribunal, the enquiry conducted held by the department held as fair and proper. Since enquiry held fair and proper, the scope of this Tribunal is limited.

5. It is submitted by the counsel of the management that, similar irregularities was committed by the workman in the year 1997 and at that point of time, after enquiry charges proved and 4 increments of the workman was stopped. Again the workman committed similar type of irregularities.

6. On the other hand the Ld counsel for the workman prays to take liberal attitude against the workman. But repeated financial irregularities in the Bank which are handling public money, usually is not tolerated.

7. Considering the facts and circumstances of this case, I hold that the action of the management of Uttar Bihar Gramin Bank, Muzaffarpur in imposing the penalty of removal from service to Shri Arun Kumar Jha *vide* their

order dated 26.02.2008 is legal and justified. Therefore this Tribunal, is not at all inclined to interfere with the findings of the management. Hence he is not entitled to get any relief.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 6 अप्रैल, 2015

**का.आ. 759.**—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ इंडोर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 38/07)को प्रकाशित करती है जो केन्द्रीय सरकार को 06/04/2015 को प्राप्त हुआ था।

[सं. एल०-12011/8/2006-आई आर (बी-1)]

सुमिति सकलानी, अनुभाग अधिकारी

New Delhi, the 6th April, 2015

**S.O. 759.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award No. (Ref. 38/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the management of State Bank of Indore and their workman, which was received by the Central Government on 06/04/2015.

[No. L-12011/8/2006-IR(B-I)]

SUMATI SAKLANI, Section Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**

**No. CGIT/LC/R/38/07**

Asstt. General Secretary,  
 Akhil Bhartiya Adhikarsh Bank Karamchari Sangh,  
 Post Box No. 62, Roxy Pul, Kampoo Road,  
 Lashkar, Gwalior (MP) ....Workman/Union

*Versus*

Managing Director,  
 State Bank of Indore,  
 Head Office, 5, Y.N. Road,  
 Indore (MP) ...Management

**AWARD**

Passed on this 11th day of March, 2015

1. As per letter dated 12-3-2007 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under

Section-10 of I.D. Act, 1947 as per Notification No. L-12011/8/2006-IR (B-I). The dispute under reference relates to:

"Whether the allegations made by Akhil Bhartiya Adhinasth Bank Karamchari Sangh against the Managing Director, State Bank of Indore, Indore regarding practicing of unfair labour practice under Fifth Schedule of ID Act, 1947 by him and favouring a particular Union is justified?

If yes, what relief the Union is entitled to get?"

2. After receiving reference, notices were issued to the parties. Ist party Union submitted statement of claim at Page 4/1 to 4/3. Case of Union is that it is registered under Trade Union Act, 1926 holding Registration No. 4917. Clause IV employees working in State Bank of Indore are its members. Union is taking care of the grievances of its member working with IIInd party. It is alleged that IIInd party management is not providing facilities of telephone, check facilities to its member, notice board. Union is discriminating with motive to damage the Union. Union of officers are given all facilities whereas this union is discriminated. Several valuation are also made about the management about the recovery of pay to 15% amount of overtime paid to the employees. Heavy amount recovered for transfer of employees. Management is also trying to break the Union, illegal amounts are recovered.

3. IIInd party filed Written Statement at Page 8/1 to 8/5 opposing claim of Union. IIInd party has denied the allegation of discrimination or showing favour to the officers Union. IIInd party submits that as per rules, there can be only one recognized Union in Bank. That Akhil Bhartiya Adhinasth Bank Karamchari Sangh is not recognized Union. The Bank Officers Union is registered under Trade Union Act, 1961. Said Union has authority to represent the Bank employees, represent the grievances of the Bank employees. It is denied that Rambabu Gupta was transferred from Hajira to Patankar Market instead of Hajira Market to Morar by way of victimization. That both branches are in Gwalior itself. The Bank supports social activities organized by Union. The expenses incurred for such activity are paid by the bank. The allegation are made by Union and favour shown to Officer Union have denied.

4. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

(i) Whether the action of the management of Whether the Dispute could not  
allegations made by Akhil be decided as  
Bhartiya Adhinasth Bank parties could not  
Karamchari Sangh against participate in  
the Managing Director, State reference.

unfair labour practice under  
Fifth Schedule of ID Act,  
1947 by him and favouring  
a particular Union is  
justified?

(ii) If not, what relief the As per final order.  
workman is entitled to?

## REASONS

5. Though dispute is raised by Union alleging unfair labour practice by management and favouring Officers Union is denied. Both parties failed to participate in reference proceeding. No evidence is adduced by other parties. Therefore Point No. 1 could not be adjudicated.

6. Point No. 2 - as parties failed to participate in reference proceeding, allegations of Union could not be adjudicated recording evidence. Therefore Union is not entitled to any relief. Accordingly I record finding in Point No. 2.

In the result, award is passed as under:—

- (1) As parties failed to adduce evidence, dispute between parties could not be adjudicated.
- (2) Union is not entitled to any relief.

R.B. PATLE, Presiding Officer

नई दिल्ली, 7 अप्रैल, 2015

**का.आ. 760.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार प्रसार भारती, आकाशवाणी, भागलपुर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-1, धनबाद के पंचाट (संदर्भ संख्या 47/2008) का शुद्धिपत्र प्रकाशित करती है। अवार्ड के अंतिम पृष्ठ में पैरा सं. 6 की चौथी पंक्ति में और अनुसूची की तीसरी पंक्ति में 23एफ को सुधारकर 25एफ पढ़ा जाए।

[सं. एल-42012/57/2008-आईआर (डीयू)]

पं० क० वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 7th April, 2015

**S.O. 760.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the corrigendum of the award No. (Ref. 47/2008) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Prasar Bharti Corporation of India, Akashwani, Bhagalpur and their workman. In para No. 06 of line No. 4 as well as in the 3rd line of Schedule, it may be corrected and read as 25F, instead of 23F.

[No. L-42012/57/2008-IR(DU)]

P. K. VENUGOPAL, Section Officer

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 1, DHANBAD

Ref. No. 47/2008/294

Dated: 30.3.2015

To

Sri P.K. Venugopal, Desk Officer,  
Section-IR (DU)  
Govt. of India,  
Ministry of Labour & Employment (CLS-II),  
New Delhi-110001

Parties: Employers in relation to the management of  
Prasar Bharti Corporation of India.

Akashwani

And

Their Workman

**Sub.: Issuance of Corrigendum in Ref. No. 47/2008  
Order No. L-42012/57/2008 IR(DU) dt. 06.10.2008**

Sir,

In continuation Letter No. Ref. No. 47/2008/960 dated 26.08.2014, award submitted for publication but a typographical/clerical error pointed out in last page of award in Para No. 06, of line No. 4 as well as in the 3rd line of Schedule. It may also be corrected as 25F, the digits 23F is wrongly typed in place of 25F which is Typographical Mistake.

This may be corrected and corrigendum be published, in urgent basis.

R. K. SARAN, Presiding Officer

नई दिल्ली, 8 अप्रैल, 2015

**का.आ. 761.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कमिशनर म्युनिसिपल कारपोरेशन ऑफ डेल्ही प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय-1, दिल्ली के पंचाट (संदर्भ संख्या 126/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 07/04/2015 को प्राप्त हुआ था।

[सं. एल-42011/87/2013-आई आर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 8th April, 2015

**S.O. 761.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 126/2013) of the Central Government Industrial Tribunal-cum-Labour Court

No. 1, Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Commissioner, Municipal Corporation of Delhi and their workman, which was received by the Central Government on 07/04/2015.

[No. L-42011/87/2013-IR(DU)]

P. K. VENUGOPAL, Desk Officer

## ANNEXURE

IN THE COURT OF SHRI AVATAR CHAND DOGRA,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
(NO.1), KARKARDOOMA COURT COMPLEX, DELHI

ID No. 126/2013

Delhi Municipal Workers Union (Regd.),  
4/7, Asaf Ali Road,  
New Delhi

.....Workman

Versus

The Commissioner,  
Municipal Corporation of Delhi,  
Town Hall, Chandni Chowk,  
Delhi-110006

.....Management

## AWARD

Central Government, *vide* letter No. L-42011/87/2013-IR(DU) dated 06.09.2013, referred the following industrial dispute to this Tribunal for adjudication:

"Whether Shri Satish Kumar, S/o Late Shri Balbir is entitled to employment on compassionate grounds and rejection of his claim by the management was illegal and unjustified? To what relief the workman is entitled to and from which date?"

2. On receipt of the above reference, notice was sent to the workman as well as the management. None appeared on behalf of the claimant. As such, this Tribunal ordered issuance of fresh notice to the workman. Despite sending various notices, neither the workman nor any authorized representative on his behalf appeared before the Tribunal so as to pursue his case. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

3. Since the workman has neither put in his appearance nor has he led any evidence so as to prove his cause against the management, as such, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated: April 6, 2015

A. C. DOGRA, Presiding Officer

नई दिल्ली, 8 अप्रैल, 2015

**का.आ. 762.**—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 5/2008) को प्रकाशित करती है जो केन्द्रीय सरकार को 08.04.2015 को प्राप्त हुआ था।

[सं. एल-12012/57/2007-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 8th April, 2015

**S.O. 762.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 5/2008) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the management of Central Bank of India and their workmen, received by the Central Government on 08/04/2015.

[No. L-12012/57/2007-IR(B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

Present : Sri Ram Parkash, HJS

#### Industrial Dispute No. 5 of 2008

##### Between:

Sri Ram Prasad,  
Son of Sri Babulal,  
Resident of 10/76,  
New Galla Mandi ke Peeche,  
Talpura Janpad  
Jhansi.

And

The Regional Manager,  
Central Bank of India,  
372/18B, Gwalior Road,  
Jhansi

#### AWARD

1. Central Government, MoI & Employment, New Delhi *vide* notification No. L-12012/57/2007 IR B-II dated 28.11.2007, has referred the following dispute for adjudication to this tribunal.

2. Whether the action of the management of Central Bank of India, Jhansi, in refusing to employ Sri Ram Prasad

with effect from 09.09.96 and engaging the new person in his place is legal and justified? If not, to what relief the workman concerned is entitled?

##### 3. Brief facts are—

4. It is alleged by the claimant that a select committee was constituted by the Regional Office, Jhansi and based on the recommendation the claimant was posted as Safai Karamchari on 12.07.96 at Branch Office Bundelkhand of the bank Engineering College Kanpur Road, Jhansi. It is stated that at the end of the month he used to be paid his wages through vouchers. It is stated that from the date of appointment till 13.12.2000 he worked as permanent worker as Safai karamchari. It is further alleged that when he presented himself at the branch on 01.01.2001 for his duty, his services were terminated by the branch manager orally.

5. It is also alleged by the claimant that after termination of his service by the bank he raised his voice for his service and till date he is demandign the job. The job which was performed by the claimant is still existing and would continue to be in existence in future and he was appointed as a regular employee at the branch. After termination of his service the bank inducted new hands ignoring his claim. He was neither offered any notice, notice pay or retrenchment compensation at the time of termination of his service by the bank, irrespective of the fact that in each calendar year he had rendered 240 days of continuous service. Original of payment vouchers are in possession of the opposite party but he never provided copy of the same by the bank.

6. It is stated that the whole action of the bank is unfair labor practice.

7. Lastly it has been prayed by the applicant that the whole action of the bank be declared as illegal and he should be reinstated in the service of the bank with full back wages.

8. Opposite party bank has filed reply wherein they have refuted the claim of the workman on a number of grounds, *viz.* that the workman was given temporary appointment as part time sweeper for a period of 59 days from 12.07.96 to 07.09.96 in terms of appointment letter No. RO;PRS;97-97/1069 dated 11.7.96; that thereafter no work has been taken by the bank; that it is correct to allege by the workman that he had worked up to 31.12.2000 on the permanent post of Safai karamchari in the bank; that the workman has not filed any specific particulars in support of his contention, therefore all the contention has become infructuous, baseless, concocted and bad in law; that the workman has neither submitted any letter or application in writing nor approached to management of the bank, therefore, question of terminating his service does not arise; that it is alleged by the bank that it never terminated the services of the workman; that it is stated by the bank that the appointment can be given for the post of part time Safai karamchari only after following the due procedure of the bank for that post

and no back door entry can be given to any person; that no details have been given by the workman regarding engagement of person in his place; that since the workman was engaged temporarily only for 59 days his appointment automatically came to end as per terms of the appointment letter; that the workman never completed 240 days of service; that as admittedly the workman was engaged only for 59 days during the period 12.07.96 to 07.09.96, therefore, he is not entitled for the protection of the provisions of the Act; that the bank has not adopted any unfair labour practice and lastly based on the above pleadings it is prayed that the workman is not entitled for any relief and his claim is liable to be dismissed.

9. Opposite party with its reply has also filed annexure 1 and 2.

10. Workman has also filed rejoinder in the case in which he has reiterated that he had worked continuously from 01.06.96 to 31.12.2000 and nothing new has been pleaded by the claimant.

11. Workman *vide* list dated 04.12.09 paper No. 7/4 has filed two documents.

12. Whereas the workman in support of his claim has examined himself as W.W. 1, opposite party has examined Sri Brij Kishore Gautam its manager as M.W. 1.

13. I have heard the arguments at length and have also perused the whole record.

14. In this case the admitted position of the case as per bank's contention is that the workman was engaged as part time safai karamchari for 59 days during the period 12.07.96 to 07.09.96, in terms of appointment letter dated 11.07.96. The claimant in his rejoinder has denied the above facts mentioned by the bank and has reiterated that he had continuously worked up to 31.12.2000 from 12.06.96. The rejoinder filed by the workman is supported by his affidavit, whereas the hard fact remains according to para 1 of his claim statement wherein he has catgoically mentioned that he was appointed by the opposite party bank on 12.07.96. As such the tribunal finds variance in the date of appointment of the workman, whereas he has in his claim statement has clearly mentioned the fact that he was appointed by the bank on 12.07.96. The date of appointment of the workman as 12.07.96 has been admitted by the opposite party in paragraph no. 5 of their reply. The workman in his rejoinder which has been filed on affidavit has clearly given his date of appointment as 12.06.96. Therefore considering the variance in the date of appointment it is held that his aversion that he was appointed on 12.07.96 cannot be believed because he himself has contradicted his statement in his rejoinder filed on affidavit wherein he has clearly admitted the fact that he was initially appointed at the post of part time safai karamchari in the bank on 12.06.96.

15. I have also perused the evidence of the workman led before the tribunal. In his examination in chief he has admitted that he was engaged on 12.07.96 at the post of safai karamchari. He has further stated that no reason were assiged to him at the time of termination of his service. He has also stated that no notice, notice pay of retrenchment compensation was offered to him by the bank at the time of terminating his services.

16. In his cross examination the workman has admitted the fact that he was engaged for the period 12.07.96 to 08.09.96. He was provided paper No. 6/14 by the bank. He further admitted that paper No. 6/15 which is a notice was sent by him to the bank. He goes on to state that he never applied before the bank for the post of safai karamchari. He denied the suggestion that he did not complete continuous working of 240 days.

17. Management witness in his examination in chief has admitted the fact that the workman worked as a part time sweeper during the period 12.07.96 to 07.09.96. The witness has admitted the fact that the workman was given appointment letter on 11.07.96 for the post of part time sweeper. The workman had never worked after 07.09.96. Witness has denied the suggestion that the workman had ever worked with the bank after September, 96.

18. Annexure No. 1 filed by the bank along with their claim statement is the appointment letter dated 11.07.96 which clearly envisages that the workman is engaged as a part time sweeper with clear condition that his appointment is limited to period 07.09.96 and he will be relieved on 08.09.96 from his job.

19. Annexure No. 2 annexed with the reply of the bank is the representation of the workman, which is dated 20.05.2004 and was addressed to the Manager of the bank. The workman in the said representation has clearly admitted the fact that he worked satisfactorily with effect from 12.07.96 to 07.09.96 and that he had been removed from his services on 16.09.96 without any notice.

20. Therefore, from the above discussion of evidence and factual position of the case it is quite obvious that it appears that the workman is suffering from the state of confusion on the point as to whether he was appointed in the bank on 12.06.96 as per his rejoinder affidavit or on 12.07.96 as per appointment letter. Therefore, since the date of appointment of the workman has been admitted by the bank as 12.07.96 it is held that he was appointed as part time sweeper in the bank on 12.07.96.

21. Now it will be examined as to whether workman has completed more than 240 days of continuous service preceding 12 calendar months from the date of his termination and also that as to whether the workman has worked till 31.12.2000.

22. A bare perusal of the reference order goes to show that no date of termination has been recorded therein. It is the mere contention of the workman that he worked up to 31.12.2000 and he was removed from the service with effect from 01.01.2001. It is a mere contention of the workman and the same could not be believed for want of specific evidence documentary as well as oral. Burden lies on the workman to prove the above fact. If he is considering the fact that he had worked with the bank beyond the appointment letter heavy burden was on the workman to have summoned the relevant record from the bank. No such effort was made by the workman, therefore, it cannot be believed that he continued with the bank up to 31.12.2000 and he had completed 240 days of continuous service.

23. On the other hand the case of the bank appears to be believable. M.W.1 in his statement has clearly stated that the workman worked during the period 12.07.96 to 07.09.96 and that after September the workman had never worked in the bank.

24. During the course of cross examination of the management witness, the representative for the workman could not be able to bring out any material from the mouth of the witness that could make his statement unbelievable. Therefore, the tribunal is inclined to believe the case of the management.

25. The tribunal is further of the firm opinion that the workman has palpably failed to prove the fact that he had completed more than 240 days of continuous service prior to his termination.

26. In view of above discussion, it is held that the workman is neither entitled for protection of the provisions of I.D. Act and reference is bound to be decided against the workman and in favor of the Bank.

RAM PARKASH, Presiding Officer

नई दिल्ली, 8 अप्रैल, 2015

**का.आ. 763.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, चण्डीगढ़ के पंचाट (संदर्भ संख्या 177/2002) को प्रकाशित करती है जो केन्द्रीय सरकार को 08.04.2015 को प्राप्त हुआ था।

[सं. एल-17012/6/2002-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 8th April, 2015

**S.O. 763.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 177/2002) of the Cent.

Govt. Indus. Tribunal-cum-Labour Court-I, Chandigarh as shown in the Annexure, in the industrial dispute between the management of LIC of India and their workmen, received by the Central Government on 08/04/2015.

[No. L-17012/6/2002-IR(B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

**BEFORE SHRI SURENDRA PRAKASH SINGH,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
CHANDIGARH**

**ID No. 177 of 2002**

Sh. Ajay Kumar S/o Sh. Fateh Singh,  
R/o Vill. Rajthal (Hansi), Hissar.

.....Workman

*Versus*

1. The Sr. Divisional Manager, LIC of India,  
489-Model Town, Karnal.

.....Respondent

#### APPEARANCES:

For the Workman Sh. Raj Kaushik Advocate.

For the Management Sh. Deepak Arora Advocate

#### ORDER

Dated: 25.02.2015

Government of India Ministry of Labour vide notification L-17012/6/2002-IR(B-II) dated 12.08.2002 has referred the following dispute to this Tribunal for adjudication:

#### Term of Reference:

"Whether the action of the Management of LIC of India, Karnal in ordering removal of Sh. Ajay Kumar, Peon from service w.e.f. 22.01.2001 is just and legal? If not, what relief the workman is entitled to?"

2. Workman in claim statement submitted that he joined the service of the management as Peon on 18.01.1997 and posted at Charkhi Dardi Branch of the management. He was removed from service by way of punishment *vide* order dated 22.01.2001. It is pleaded by the workman that he was served with charge sheet dated 30.12.1998. One FIR No. 23 dated 31.01.1998 has been lodged against the workman with police Station Charkhi Dadri, under Section 406 of IPC. Departmental proceedings were initiated in charge sheet dated 30.12.1998. He was denied the help of lawyer during inquiry All employee of the branch joined hand with Branch Manager to save the real culprit who was the custodian of the cash. The inquiry was conducted against all principle of

natural justice and fair play. The workman was held guilty by the Enquiry Officer. He was served with show cause notice dated 06.06.2000. The disciplinary authority has not applied its mind while awarding the punishment. The order of punishment is non-speaking. It is further pleaded by the workman that inquiry proceedings may be declared as vitiated and workman may be reinstated in service with continuity and back wages.

3. The management filed written statement. It is submitted by the management that workman was working as Peon. He was charge sheeted on 30.12.1998 for having stolen Rs. 3,00,294.20/- from the safe of the Branch which was kept in safe on 29.01.1998. The workman was given 15 days time to reply to the charge sheet but workman submitted his reply on 20.04.1999 after about four months. The workman was placed under suspension and FIR No. 23, dated 31.1998 was registered against the workman under Section 406 IPC. In reply to the charge sheet, the workman denied the charges. Inquiry officer was appointed. Mr. P.K. Saxena was appointed as Presenting Officer. The workman was not allowed to have assistance from lawyer but he was allowed to take assistance from any co-employee. He was given full opportunity during inquiry to defend himself. The Inquiry Officer held him guilty of the charges. Workman was served with show cause notice. Workman was also given personal hearing by the Disciplinary Authority. Workman was inflicted with the punishment of removal from service. The workman did not file any appeal or review of the order. As the inquiry was conducted fairly and properly, establishing the charges as mentioned in the charge sheet, therefore, the workman is not entitled to any relief. As the workman was proved guilty for huge theft, he was rightly removed from service and the workman is not entitled to any relief.

4. The workman filed his affidavit alongwith the documents. The management also placed on record the affidavit of Sh. K.P.S. Rawal, Manager (L and HPF), Karnal in support of the case of the management.

5. Earlier the arguments heard on the fairness of inquiry and this Tribunal *vide* order dated 17.10.2014 came to the conclusion that departmental inquiry were fairly conducted in accordance with the principles of natural justice and fair play and workman was given full opportunity to defend himself during inquiry and no infirmity was found in the conduction of the departmental inquiry. The parties were given opportunity to lead any evidence on the point of perversity and on quantum of punishment.

6. Workman filed his affidavit in evidence. The learned counsel for the management submitted that he does not want to cross examine further workman on his fresh affidavit and earlier cross examination may be treated as cross examination for this affidavit also and management also relied upon earlier evidence produced by the management witness and close the evidence.

7. I have heard both the parties on the point of perversity and quantum of punishment. The learned counsel for the workman submitted that workman was chargesheeted for the theft of amount of Rs. 3,00,294.20/- placed in the Safe of the Branch office on 29.01.1998. The workman in evidence produced WW1 Anand Singh Dabas who was posted as HG Accounts branch Charkhi Dadri, Dadri. During cross examination Sh. Anand Singh Dabas WW1 submitted that he has not seen any document nor he can produce any documents showing that amount of Rs. 3,00,294.20/- was deposited in the bank on 31.01.1998. The management witness K.P.S. Rawal filed his affidavit who submitted in the affidavit that workman did not file any appeal against the order of punishment by the disciplinary authority and he has barred by his act and conduct from filing the present case. The charge against the workman was proved. He has not filed any appeal. He bypassed the in-built mechanism within the management and filed this case which is against the procedure.

8. WW1 Sh. Anand Kumar Dabas, retired Administrative Officer, LIC submitted before this Tribunal that it is correct that on 29.01.1998 the case closing balance of the branch was Rs. 3,00,294.20/-. It is correct that on the next working day *i.e.* 31.01.1998 the closing balance of Rs. 3,00,294.20/- were deposited in the bank. In cross-examination he stated that the case was stolen has been shown in the daily cash book of 31.01.1998 and as such is not shown in daily cash balance of 29.01.1998. He further submitted that he has not seen any document nor he can produce any document showing that amount of Rs. 3,00,294.20/- was deposited in the bank on 31.01.1998. WW2 Charanjit Sharma working as Cashier branch LIC Rewari stated that daily cash balance certificate dated 29.01. 1998 which he has brought marked as W1 in the Court which was handed over to him by manager P & IR Division of Karnal. The record of daily balance book dated 29.01.1998 and 31.01.1998 is not available in the office. The witness of the management Sh. KPS Rawal retired Regional Manager filed his affidavit in evidence and appeared as MW1. In cross-examination he stated that he does not remember whether in the enquiry the next date cash balance

(daily cash balance book) was produced or not. He has also stated that he does not know all the rules of the Corporation including period for which the DCB is to be weeded out. He further stated that there are two keys of the Strong Room which is called safe. The two different officers have the keys of the safe. He further denied that there are three keys of the safe.

9. During arguments it is submitted on behalf of the workman that there was no theft of the case and the workman has been falsely implicated.

10. Management opposed the contention of the workman and drawn my attention to the evidence of Sh. Narender Kumar, Branch Manager who appeared as PW4 during the departmental enquiry and stated as under:—

"On 31.01.1998 which was last day of the month and it was also last day of revival campaign, incidentally both my other Class-I Officers Sh. Sanjay Khanna, AAO and Sh. D.B. Singh, AMB's were on sanctioned leave. I was the only officer present in the office. There was heavy rush of agents and policy holders in the office since 10 A.M. being alone in the office as officer. I was sitting on A.A.O. seat and looking after the entire functioning of the office. Sh. Bhan Singh, HGA had already given his key No. II of the safe to me and he was busy with the parties for revival. Sh Ajay Kumar Peon came to me at around 10.15 A.M. and asked for key No. II he was having key No. I in his hand. I Handed over key No. II to him. Since he was Peon in the case section, so it was daily routine for him along with holder of key No. I & II to take out cash box from the safe and hand it over to cashier.

I was busy with the parties. I noticed that Mr. Ajay Kumar came down stairs around ten minutes after taking key No. I & II from me alongwith one bag and them around ten minutes thereafter I again noticed him going upstairs. Then he was not carrying anything with him. At around 10.50 A.M. Ajay Kumar called me upstairs. When I came upstairs in my chamber where the safe is lying, I was told by Ajay Kumar Peon that the cash in the cash bow was missing. I saw Ajay Kumar holding key No. I & II of the safe and keys of cash box and the safe and cash box were laying open and only Ajay Kumar Peon was there.

I questioned Ajay Kumar as to where the cash was?

He told that he was not knowing anything and he was very nervous. Since both the key holders of I & II were not there, I called Sh. Ram Kishan holder of key No. I & and Sh. Bham Singh holder of key No. II and Sh. Sanjay Sharma cashier, and holder of cash box keys.

Sh. Ram Kishan, HGA A/C and holder of key No. I and Sh. Sanjay Sharma cashier holder of cash box keys, charged Sh Ajay Kumar Peon for taking away thier keys without their permission. Key No. II was handed over to Ajay Kumar Peon by me but I told Mr. Bhan Singh, HGA to accompany the peon to the safe. It happened that Sh. Bhan Singh was busy with the parties and could not accompany the peon to the safe. Key No. I and cash box keys were taken away by the peon without the permission, the question of their accompanying the peon does not arise.

It was only only Ajay Kumar peon who operated key No. I & II of the safe, took out cash box and opened the case box with the cash box keys which he took out unauthorisedly. They cash was taken away by him between 10.25 A.M. to 10.40 A.M. approximately out of branch premises.

Class III union people also rushed to the chamber where this incident took place and persuaded Sh. Ajay Kumar peon to tell the truth about the missing cash. He was not telling anything about the missing cash. Lot of persuasion and pressure was exercised by his colleagues upon Sh. Ajay Kumar peon. At one point of time, he agreed that the missing cash of Rs. 3,00,294.20/- was with him, lying somewhere outside the branch. He promised to bring this money. We in the branch decided, that since he has promised to bring the entire missing cash, to deposit Rs. 3,00,294.20/- in the bank out of the collection at the counter of they day 31.01.1998. The cash was deposited in the bank out of collection of the day 31.01.1998 at around 12.45 P.M. Sh. Ajay Kumar refused to divulge the where about of missing cash of Rs. 3,00,294.20/-. Then I had to call the police in the branch.

At around 1.00 P.M the police came to interrogated Sh. Ajay Kumar, Sh. Bham Singh, Sh. Ram Kishan, Sh. Sanjay Sharma and myself. Later on all the officials were taken to the police custody. Sh. Ajay Kumar was detained by the police for further interrogation. Sh. Bhan Singh, Ram Kishan, Sanjay Sharma were left free by the police.

The missing cash of Rs. 3,00,294.20/- was recovered by the police from the residence of Sh. Ajay Kumar Peon. So, It is established that Sh. Ajay Kumar peon is the culprit in this case."

11. It is further stated by the witness that cash was kept in the safe by holder of Key I and Key II. Up to 10 A.M. on 31.01.1998 they keys were in the possession of the key holders and they were well within the office at 10. A.M. From the record also it is revealed that these keys and as per their statement in the enquiry both Sanjay Sharma Cashier Ram Kishan Singh were busy in the morning rush and the workman Sh. Ajay Kumar took out key No. I of the safe and cash box keys from their respective tables drawers

without their permission and then went up stair in Branch Manager chamber and it was Mr. Ajay Kumar workman who called the Branch Manager up stair and informed the Branch Manager that cash was missing from the cash box. It is also revealed from the record that workman agreed that missing cash was with him and he will bring the money back. It is also inferred from the record that Class-III union people decided to deposit the amount or Rs. 3,00,294.20/- only, from the collection of 31.01.1998 and Ajay Kumar Peon then refused to bring cash back and ultimately the police was called and FIR was lodged. From the record it is also revealed that workman was unauthorisedly in possession of all the keys and later on the police recovered the cash from the possession of the above mentioned Sh. Ajay Kumar workman. There is no evidence produced by the workman in his defence which could rebut the charges.

12. Taking into consideration the fact and circumstances of the case in hand, there is no perversity in the findings of the inquiry officer which is well based on record and evidence recorded during inquiry. Therefore, it is held that there is no perversity in the findings of the inquiry officer.

13. As regard to the quantum of punishment is concerned, the workman was appointed as Peon and joined as such on 18.01.1997. The incident happens to be of dated 31.01.1998. The workman was working for less than two years with the management. The act and conduct of the workman itself shows that punishment was not disproportionate to the misconduct of the workman. The workman was charge-sheeted for theft of the case which is breach of trust also. Therefore, interference of this Tribunal in the punishment is unwarranted.

14. In view of the above, taking into consideration the facts and circumstances of the case, the action of the management of LIC of India, Karnal in ordering removal to Sh. Ajay Kumar, Peon from service *w.e.f.* 22.01.2001 is just and legal. The workman is not entitled to any relief.

15. The reference is answered accordingly. Soft as well as hard copy be sent to the Central Government for publication.

Chandigarh 25-2-2015

S. P. SINGH, Presiding Officer

नई दिल्ली, 8 अप्रैल, 2015

**का.आ. 764.—**ओद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नैशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण श्रम न्यायालय-II, चण्डीगढ़ के पंचाट (संदर्भ सं 614/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 08/04/2015 को प्राप्त हुआ था।

[सं. एल-12012/109/99-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 8th April, 2015

**S.O. 764.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award (Ref. No. 614/2005) of the Central Government Industrial Tribunal-cum-Labour-Court II, Chandigarh as shown in the Annexure in the industrial dispute between the management of Punjab National Bank and their workmen, received by the Central Government on 08/04/2015.

[No. L-12012/109/99-IR (B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sri Kewal Krishan, Presiding Officer.

**Case No. I.D. 614/2005**

Registered on 24.8.2005

Sh. Gurdarshan Singh, S/o Sh. Surjit Singh,  
Resident of Village and Post Office,  
Ballowal, Ludhiana.

.....Petitioner

#### *Versus*

Punjab National Bank, through the  
Regional Manager, Ludhiana

.....Respondents

#### APPEARANCES

For the workman She Tek. Chand Sharma,  
Advocate.

For the Management Sh. N.K. Zakhmi, Advocate.

#### AWARD

Passed on 23.12.2014

Central Government *vide* Notification No. L.12012/109/99 (IR(B-II) Dated 31.8.1999, by exercising its powers under section 10 Sub-Section (1) Clause (d) and Sub-Section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following Industrial dispute for adjudication to this Tribunal:—

"Whether the action of the management of Punjab National Bank in awarding the punishment of dismissal from services to Sh. Gurdarshan Singh is legal and just? If not, what relief the concerned workman is entitled to and from which date?

The facts in brief are that workman was posted as Clerk-cum-Cashier with the respondent management and was posted as such at Branch Office Jawadi in February, 1994. On 26.12.1994 he obtained a cheque of Rs. 35000/- in the name of his wife from M/s G.C. Auto Industries knowing that the cash credit limit was already over drawn. Later on he cashed the cheque and the amount was credited in his Account No. 17127 maintained by the workman jointly with his wife Pritpal Kaur. He received a cash payment of Rs. 35000/- on 30.3.1994, when his wife issued a cheque. The proceedings were shared with one Prabhjit Singh who connived with him to withdraw the amount. On the said allegations, he was charge-sheeted and regular inquiry was conducted and charges were found proved against him. Considering the inquiry report, a show cause notice was issued to the workman who submitted reply and after giving him personal hearing; he was dismissed from service without notice *vide* order dated 8.6.1993.

Workman challenged the inquiry proceedings and the dismissal order on various grounds as find mention in the statement of claim.

Respondent bank submitted a written reply pleading that workman committed a fraud with the respondent bank by withdrawing a sum of Rs. 35000/- and the allagations were found to be correct during the inquiry and considering the misconduct committed by the workman, he was rightly dismissed from service. That the inquiry proceedings as well as the order of dismissal are legal and valid.

A lengthly arguments was advanced by learned counsel for the workman to show that the inquiry conducted in this case is not fair and proper which need not be mentioned as the inquiry was held to be legal and valid *vide* order dated 27.1.2014. The said order has not been challenged by the workman and therefore it cannot be said that the inquiry conducted in the case is not fair and legal.

It was contended by the workman counsel that no loss has been caused to the bank and therefore extreme punishment of dismissal from service is not warranted under the law and considering the circumstances, the punishment be reduced. It is settled law that the bank officer is required to exercise higher standards of honesty and integrity as he deals with the money of the depositors and customers. The workman is guilty of committing a fraud of Rs. 35000/- with the bank which is a gross misconduct on his part. Considering the action of the workman, the management has rightly inflicted the punishment of dismissal from service and the same do not call for any interference.

Thus the action of the management in awarding the punishment to the workman is legal and just and the workman is not entitled to any relief and the reference is answered accordingly. Let hard and soft copy of the award

be sent to the Central Government for further necessary action.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 8 अप्रैल, 2015

**का.आ. 765.**—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 49/00) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08/04/2015 को प्राप्त हुआ था।

[सं. एल- 12012/278/99-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 8th April, 2015

**S.O. 765.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 49/00 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen, received by the Central Government on 08/04/2015.

[No. L-12012/278/99-IR(B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/49/00

Shri Mohd. Hanif,  
R/o Jhogi Durgadham Shahanshah Garden,  
Govindpura,  
Bhopal (MP) ..... Workman

Regional Manager,  
Bank of India,  
Regional Officer,  
Russel Chowk,  
Napier town, Jabalpur, ..... Management

#### AWARD

Passed on this 30th day of January 2015

1. As per letter dated 15-2-00 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D. Act, 1947 as per Notification No. L-12012/278/99-IR(B-II). The dispute under reference relates to:

"Whether the claim of the disputant, Shri Mohd Hanif S/o Munabar Shah that he was engaged as a Sub-Staff during the period from 5-7-89 to 30-09-92 by the management of Bank of India is justified? If so, whether the management of Bank of India, Regional Office, Jabalpur is justified in terminating his service w.e.f. 30-09-92? If not, what relief is the disputant entitled to?"

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 2/1 to 2/4. Case of Ist party workman is that he was initially appointed as daily wage employee from July 89 on vacant post of Daftary in Rahatgarh Branch. He was appointed after Daftary Shri S.L. Sharma was promoted in clerical cadre. That he worked with honesty and sincerity. His services were orally terminated in August 1992. That he completed 240 days continuous service during each of the year. His services were terminated in violation of Section 25-F of ID Act. After termination of his service, IIInd party engaged one Ram Kumar for the same work. The principles of last come first go was violated. On such ground, workman prays for re-instatement with consequential benefits.

3. IIInd party filed Written Statement at page 3/1 to 3/6. Preliminary objection was raised by IIInd party that reference is not tenable. Govt. has decided that employer employee relationship exists is referring ratio held in various caes. The dispute is raised after 8 years is not tenable. It is submitted that workman was engaged intermittently for casual nature of jobs. Such engagement cannot be said regular or temporary appointment. Zonal Manager is empowered to appoint subordinate staff. Workman was not sponsored through Employment Exchange. The public employment providing reservation of different kinds guarantees equality of employment. Workman was not appointed such reservation policies. Workman was not on roll of the Bank. His temporary engagement comes to end at end of day. All other contentions of workman regarding completion of 240 days continuous services, termination of his service is in violation of Section 25-F of ID Act are denied. Violation of principles of last come first go is also denied. Violation of Section 25-G of ID Act is denied.

4. Ist party submitted rejoinder at Page 4/1/ to 4/5 reiterating his contentions in statement of claim.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

(i) Whether the claim of the disputant, Shri Mohd. Hanif S/o Munabar Shah that he was engaged as a Sub-Staff during the period from 5-7-89 to 30-09-92 by the management of Bank of India is justified? In Affirmative

(ii) Whether the management of Bank of India, Regional Office, Jabalpur is justified in terminating his services w.e.f. 30-9-92? In Negative

(iii) If not, what relief the workman is entitled to?" Workman is not entitled to any relief.

### REASONS

6. Workman is challenging termination of his service for violation of Section 25-F, G, H of ID Act. In support of his claim, he filed affidavit of is evidence. Workman says he was engaged on daily wages in July 89 at branch. His services were terminated without notice. He completed 240 days continuous service. He worked for 556 days during July 89 to Sept 92. He was not paid retrenchment compensation. In his cross-examination, workman says he was appointed by Branch Manager, Shri S.P. Sahu. Post was not advertised. He himself has gone to the Bank enquiring the vacancies. He was told to attend work from next day. Appointment letter was not given to him. He was doing work of various nature. He was paid wages under vouchers. At that time, Daftary Shri S.N. Sharma was working. Evidence of workman about working in branch is not shattered in cross-examination. Workman denied all contrary suggestions to him. Payment vouchers are produced at Exhibit 161. The vouchers at Page 13/39 to 13/48 shows that workman was paid monetary wages. Workman had completed more than 240 days continuous service during preceding 12 months of his termination of his services. Management's witness Shri Awadesh Kumar Tiwari filed affidavit of evidence supporting contentions of management. In his cross-examination, he says that he was working Rahatgarh Branch in April 1991. He was acquainted with workman. He was posted in the branch on daily wages. Workman was not paid wages every day. He was paid wages at end of the month or sometimes twice in a month. Workman was working from 10 AM to 5 PM. Witness of management claims ignorance who had engaged workman in the Bank. Branch Manager was paying wages of workman and used to get reimbursement. The vouchers were signed by Branch Manager. It is surprised to say that Evidence of management's witness also corroborated by evidence of workman. evidence of workman is also corroborated by documents. Payment vouchers collectively marked W-1. The services of workman are terminated without notice, no retrenchment compensation is paid to him. Termination of services of workman is illegal for violation of Section 25-F of ID Act. For above reasons, I record my finding in Point No. 1 in Affirmative and Point No. 2 in Negative.

7. Point No. 3— in view of my finding in Point No. 2, termination of service of workman is illegal, question arises whether he is entitled for re-instatement with back wages. The evidence on record shows workman was working with

IIInd party from July 89 to Sept 1992 for more than 3 years. Workman was engaged by Branch Manager without following recruitment rules therefore re-instatement with back wages would not be justified. Considering working days of Ist party workman, compensation Rs. 75,000 would be appropriate. Accordingly I record my finding in Point No. 3.

8. In the result, award is passed as under:—

- (1) The action of the management is not legal.
- (2) IIInd party is directed to pay compensation Rs. 75,000/- to the workman.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9% interest per annum from the date of award till its realization.

R.B. PATLE, Presiding Officer

नई दिल्ली, 8 अप्रैल, 2015

**का.आ. 766.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 333/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08/04/2015 को प्राप्त हुआ था।

[सं. एल-17012/36/99-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 8th April, 2015

**S.O. 766.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 333/99 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of LIC of India and their workmen, received by the Central Government on 08/04/2015.

[No. L-17012/36/99-IR(B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/333/99

Shri Padum Singh Raj, Ex-worker of LIC,  
Vill Chorbhatti (Khurd),  
P.O. Bharnt, via Ganiyari,  
Bilaspur. .... Workman

#### Versus

Sr. Divisional Manager,  
LIC of India,  
Divisional Office, Jeevan Bima Marg,  
Raipur. .... Management

#### AWARD

Passed on this 20th day of January 2015

1. As per letter dated 18-11-99 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section —10 of I.D. Act, 1947 as per Notification No. L-17012/36/99/IR(B-II). The dispute under reference relates to:

"Whether the action of the management of LIC of India Kosabadi Branch, Distt. Bilaspur (under divisional office, Raipur (MP) in terminating the services of Shri Padum Singh Raj, Ex-peon of LIC, Kosabadi Branch *w.e.f.* 1-1-1998 is justified? If not, to what relief the workman is entitled?

2. After receiving reference, notices were issued to the parties. Workman submitted statement of claim at Page 6/1 to 6/3. Case of Ist party workman is that he joined service as peon on 7-12-87 with IIInd party. Service record was satisfactory. He was continuously working from 7-12-87 to 31-12-97 without any adverse remarks. The employers had issued service certificate about his working. That he was working for 10 years. His service were orally terminated by management of LIC without issuing any notice. His request for re-employment was rejected by the management. That he was initially appointed at age of 33 years. He has attended age of 45 years. He could not get employment in any Govt. department. His termination from service is contrary to law. On such ground, workman prays for his re-instatement with consequential benefits.

3. IIInd party filed Written Statement at Page 7/1 to 7/5. Relief prayed by workman are opposed. IIInd party submits that workman is not entitled to any relief. His claim deserves to be dismissed. The LIC of India has framed rules under Section 48(2)(cc) of LIC Act 1956. As per Section 49 of said act, the rules are made covering all matters. The corporation in exercise of powers under Section 49(2) of the Act service regulations were introduced. The temporary staff is engaged as per general or special directions issued by the Chairman from time to time. That workman was engaged as daily wager. Workman worked for 18 days in the month of Dec. 87. The working days of workman are shown in annexure M-1. Badli workers were working in branch office No. 2 at Korba such as Brijbhan Ahirwar, Rakesh Kumar Yadav and Shyam Das Manikpuri any person cannot claim right to hold civil post by back door entry. That workman was engaged intermittently as per exigencies. It is reiterated that workman had not acquired right to claim re-instatement.

4. Workman has filed rejoinder at Page 8/2 to 8/6. Workman has shown his working days since 87 to 97. The establishment of IIInd party is not carrying work of casual/ sensonal nature. It is denied that workman was engaged intermittently.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

(i) Whether the action of the management of LIC of India Kosabadi Branch, Distt. Bilaspur (under divisional office, Raipur (MP) in terminating the services of Shri Padum Singh Raj, Ex-peon of LIC, Kosabadi Branch <i>w.e.f.</i> 1-1-1998 is justified?	In Affirmative
(ii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

### REASONS

6. Though workman has raised dispute challenging termination of his services, workman failed to participate in reference proceeding. The evidence of workman was closed on 16-8-12.

7. Management's witness filed affidavit of witness Shri Anthres supporting contentions of management. His evidence remained unchallenged. There is no evidence by workman in support of his claim. Therefore I record my finding in Point No. 1 in Affirmative.

8. In the result, award is passed as under:—

- (1) The action of the management of LIC of India Kosabadi Branch, Distt. Bilaspur (under divisional office, Raipur (MP) in terminating the services of Shri Padum Singh Raj, Ex-peon of LIC, Kosabadi Branch *w.e.f.* 1-1-1998 is legal and proper.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer